DOCUMENT RESUME

ED 157 155 95 EA 010 698

AUTHOR Verheyden-Hilliard, Mary Ellen
TITLE Title IX of the Education Amendments of 1972--Its Enforcement and Implementation: A Progress Assessment Memorandum. Final Report.
SPONS AGENCY Department of Health, Education, and Welfare, Washington, D.C. Secretary's Advisory Committee on the Rights and Responsibilities of Women.
PUB DATE Feb 77
NOTE 146p.

EDRS PRICE MF-$0.83 HC-$7.35 Plus Postage.
DESCRIPTORS Adoption (Ideas); Elementary Secondary Education; Federal Government; *Federal Legislation; Post Secondary Education; Public Policy; *Sex Discrimination
IDENTIFIERS *Education Amendments 1972 Title IX; Office of Civil Rights; Office of Education

ABSTRACT

The bulk of this report deals with the Office for Civil Rights enforcement of Title IX provisions and the implementation of those provisions within the Education Division of the Department of Health, Education, and Welfare. The committee's recommendations focus on Title IX as it interrelates with federal education policy intent, enforcement by the Office for Civil Rights, implementation by programs in the Education Division, and legislation that could be developed to mainstream Title IX implementation. (Author/IRT)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED157155

EA 010 698

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Title IX of the Education Amendments of 1972--Its Enforcement and Implementation:

A Progress Assessment Memorandum

Final Report

February, 1977

By

Mary Ellen Verheyden-Hilliard

Prepared for:

The Secretary's Advisory Committee
on the
Rights and Responsibilities of Women

Verheyden and Associates
3747 Huntington Street, N.W.
Washington, D.C. 20015

Table of Contents

Preface 1

Recommendations 3

History: The Committee and Title IX 12

The Magnitude of the Responsibility 17

Enforcement: The Office for Civil Rights 20

Implementation: The Education Division 53
    Office of Education
        Title IV of the Civil Rights Act of 1964
            -Equal Educational Opportunity Program 56
        Women's Educational Equity Act of 1974
            -Women's Program Staff 72
        Vocational Education
            -Bureau of Occupational and Adult Education ... 83
        Career Education
            -Office of Career Education 93

    National Institute of Education 102

Legislation to Mainstream Title IX Concerns 107

Proposed HEW Reorganization and Title IX 120

Interagency Liaison 120

Federal Policy: Conclusions 121

Recommendations 123

Appendix A: Recommendations of the National Commission on the Observance of International Women's Year 131

Notes 135

Tables

Table 1: People Directly Affected by Title IX 18

Table 2: Complaints Brought to the Office for Civil Rights 24

Table 3: Compliance Reviews by the Office for Civil Rights 25

Table 4: Office for Civil Rights Staff as of June 30, 1976 52

Table 5: Location of General Assistance Centers 57

Table 6: Location of Desegregation Institutes 58

Table 7: Location of Sex Desegregation Training Institutes 59

Table 8: Amount Requested for Sex Dissemination Prevention Programs Funded under Title IV 60

Table 9: Awards by Assistance Area 62

PREFACE

Since the passage of Tit[illegible] of the Education Amendments of 1972 and the issuance of its Regulation in 1975, much progress has occurred. Enforcement efforts have been made and implementation has been undertaken.

The Secretary of Health, Education and Welfare's Advisory Committee on the Rights and Responsibilities of Women wishes to commend the many people both in and out of government who are working hard to enforce the legislation and to provide resources for change. These efforts are extending the American concept of equality of opportunity to girls and boys, and women and men as students, educators, and other employees in all the institutions, agencies, and organizations that are recipients of Federal education funds.

The Committee specifically wishes to thank those Department of Health, Education and Welfare employees in both Washington and the regions, individuals in HEW funded projects, and people who both as individuals and as representatives of organizations concerned with educational equity for girls and women were so willing to take the time to offer their constructive recommendations.

Although our analysis cannot be all inclusive because of budget constraints, the Committee does believe that its assessment reflects actions, attitudes, and concerns which are neither unique nor singular.

The recommendations are all tied to high-level policy decisions. They have been divided into several sections to enable policy-makers and program-officers to focus on areas where they can have an impact. The recommendations are suggestions of ways to ensure that the rights of over half the population are supported with fairness and with diligence.

The recommendations relate primarily to Title IX. The Committee is not unaware that other civil rights enactments also require the attention of the Department. Indeed, it is because the Committee wishes to ensure adequate protection and implementation for all affected parties, that the recommendations take the shape they do.

The recommendations focus on Title IX as it interrelates with 1) Federal education policy intent, 2) enforcement by the Office for Civil Rights, 3) implementation by programs in the Education Division, and 4) legislation which could be developed to mainstream Title IX implementation.

The committee hopes that its assessment will shed light on some important areas that interface with the existing legislative mandate for sex equality in education. The Committee also hopes that its recommendations will indicate new directions for exploration and actions by the Department.

The Committee respectfully submits the following recommendations to the Secretary.

RECOMMENDATIONS

I. Federal Policy

A. Planning

All policy, funding and staffing of Departmental programs should be assessed for recognition of the fact that under Title IX of the Education Amendments of 1972, 60,000,000 individuals were added to those whose civil rights are to be protected and implemented by the Department.

B. Coordination/Facilitation

Overall coordination and facilitation of Departmental Title IX responsibilities are needed at a policy-making level to openly and effectively promote and carry out the mainstreaming of Title IX concerns. These efforts should be directed to every education program for which the Department is responsible either directly or through funding.

C. Support for Title IX

Amendments which weaken Title IX or retract its scope of coverage should not be instituted or supported by the Department until sufficient time has passed to assess the real impact of Title IX. Clear policy-statements on Title IX issues should be developed to support the integrity of Title IX coverage.

D. Research

Research on the impact of Federal policy on girls and women should be undertaken. Among topics which might be included in a series of studies are:

1. How Federal policy decisions are made on issues affecting girls and women.
2. What is the Federal role in meeting the educational needs of girls, especially at the elementary and junior high-school levels?
3. What is the Federal role in communicating to parents and the community the short-and long-term effects of educational sex discrimination on their daughters and sons. How can HEW highlight ways to educate

minority group parents to the impact of sex discrimination (as differentiated from other negative discriminations) on their daughters and sons. What is the Federal role in communicating to parents and the community the importance of compliance with Title IX?

II. Office for Civil Rights

A. Policy Development and Dissemination

1. Task forces should be assigned immediately to develop preliminary policy statements on all issues relating to Title IX. The work should be done in appropriate, open consultation with representatives of organizations concerned with educational equity for girls and women. Timelines should be established for the deliberations, conclusions, and dissemination.

2. A loose leaf reporting service should be developed to provide in-depth background on new policy statements, dates, and sites of forthcoming compliance reviews. This service should be free to a self-selected mailing list.

3. The Big City Reviews should be assessed for
   (a) the impact on girls and women of several years delay in presentation of findings and remediation and
   (b) impact on OCR response capability in a given region to complaints and development of other compliance reviews.

B. Management

1. New management plans are needed to
   (a) eliminate all backlogged and projected complaints.
   (b) ensure commitment of OCR to extend the *Adams v. Mathews* court order to the western and northern regions.
   (c) mount district- and institution-wide comprehensive compliance reviews for Title IX and other civil rights laws.

2. Desk reviews of targeted segments of discrimination should be carried out region-wide and coordinated nationally.

3. Model reviews should be developed and carried out using the same criteria and tools across all regions.

4. A nationwide review of all areas of physical education and athletics at all levels of education should be planned and carried out.

C. Data Collection

1. HEW should assure itself that all recipients of Federal education funds have received and returned a completed Title IX Assurance Form.

2. Data collected from the Assurance Forms should be analyzed and acted on promptly.

3. A special survey should be undertaken to collect baseline data by sex in all educational areas pertinent to Title IX. The survey should cover all local education agencies, state education agencies, and post-secondary institutions.

4. Data from the survey should be made available to the public as a special research publication.

D. Funding

Funding should be sought by the Department to secure adequate resources for the Office for Civil Rights to fulfill its responsibilities to the 60,000,000 individuals whose civil rights are specifically covered by Title IX, while maintaining its responsibilities to all other civil rights enactments.

E. Training

1. Comprehensive, uniform training on Title IX should be instituted for all Office for Civil Rights personnel.

2. Methods should be developed to provide equally comprehensive training to new OCR staffers as they assume Title IX responsibilities.

3. A Title IX Manual for Higher Education (including student requirements) should be completed.

F. Affirmative Action Analysis

Analysis of the Office for Civil Rights own Affirmative Action Plan should be instituted. A review should be undertaken of the OCR selection process for staff training, hiring and promotion. Active steps should be undertaken to ensure that women are given fair treatment. These findings should be published.

III. Education Division

A. Office of Education: Equal Educational Opportunity Programs: Title IV of the Civil Rights Act of 1964: Sex Discrimination Prevention and Remediation

1. Policy Development

   a. Objectives for sex discrimination remediation and prevention programs should be clearly delineated for possible recipients. Grantees should specify how they would use funds to implement these objectives.

   b. Bilingual and desegregation components of Title IV should be required to delineate their goals on how they expect to impact on the needs of girls and women of minority groups. Evaluation of how well the needs were met should be carried out.

   c. All Title IV recipients should be required to assure fair representation on an integrated basis of women of majority and minority groups in the formulation and administration of projects and as participants.

2. Funding

   a. Funding should be actively sought by the Department for Title IV sex discrimination prevention programs to adequately impact nationally on the school population in 96,000 schools in 16,000 school districts while maintaining necessary impact on all other civil rights implementation responsibilities.

b. Sex discrimination prevention and remediation programs should be awarded, monitored, and evaluated separately whether they are in Sex Discrimination Institutes or part of a composite program such as a General Assistance Center.

c. Funds should be provided for systematic evaluation of the impact of all Title IV sex discrimination remediation programs by a unit of the Office of Education independent of the Title IV office or by contract with private organizations.

3. Training

An annual training institute should be held for Title IV recipients focused specifically on sex discrimination.

4. Coordination/Facilitation

Coordination/facilitation of sex discrimination prevention and remediation programs funded by the Equal Educational Opportunity Programs should be strengthened by the development of a coordination mechanism at EEOP national office in Washington, D.C.

5. Legislation

Title IV should be amended to allow General Assistance Centers to work specifically with students in departments of education and counselor preparation programs, as a part of their pre-service training in institutions of higher education.

B. Office of Education: Women's Educational Equity Act and Women's Program Staff.

1. Funding

Funding should be sought by the Department to secure adequate resources for the Women's Educational Equity Act to fulfill its legislative charge to "provide educational equity for women in the United States."

2. Assessment and Determination

a. An assessment should be undertaken to determine the most effective level of placement, authority, and funding necessary for an office to meet external and internal responsibilities for coordination and training efforts to mainstream Title IX concerns into every program and activity for which the Department is responsible.

b. Assessment should be undertaken of the administration of the Women's Educational Equity Act as it interrelates with the coordination and training responsibilities.

c. Then, responsibilities should be clearly delineated and established for the Women's Program Staff.

C. Office of Education: Bureau of Occupational and Adult Education: Vocational Education.

1. The office established in the national office of BOAE to attend to sex equity in vocational education could be modeled on the Title II mandate to the states which require full-time personnel funded for at least $50,000. Strenthening the coordination/facilitation capability of this office is one way to monitor effective implementation in the states.

2. Special emphasis should be given to the Title IX requirement for assurance of non-discrimination on the basis of sex required from any agency, organization or person with which the school works in employment, cooperative education or work/study programs for its students. This factor, along with the further requirement to terminate services to any employer who refuses the assurance or who discriminates on the basis of sex should be emphasized by BOAE and incorporated in the Management Evaluation Review for Compliance with Title IX.

D. Office of Education: Office of Career Education

Legislation

The Elementary and Secondary Career Education Act of 1977 (HR 7) should be amended to include language requiring the elimination of sex discrimination and sex stereotyping parallel to the requirements already passed by Congress in similar legislation relating to vocational education in Title II of the Education Amendments of 1976.

E. National Institute of Education

1. Mainstreaming

Steps should be taken to mainstream the needs of girls and women in education into all NIE programs of research and development. These efforts should be monitored and evaluated.

2. Title IX Research

Specific research should be undertaken on effective implementation of Title IX including cost effective and successful methodology and the implications of Title IX for school and community.

3. Funding

Funding is needed for research on effective educational development of girls and women, as well as research on management of implementation of Title IX. The Department should seek funds at a level commensurate with the magnitude of the Title IX enforcement and implementation responsibility.

IV. Related Legislation Which Could Implement Title IX

Steps should be taken to mainstream Title IX concerns into existing and future legislation as was done with the Vocational Education Legislation of 1976. Legislation and implementing regulations which could be amended in this regard include authorization and appropriation bills.

For more detailed discussion on the following legislation as it relates to mainstreaming Title IX concerns see page 107 of this report.

A. Advisory Committees or Councils

B. The Education Amendments of 1974 (PL 93-380)

1. Elementary and Secondary Education Act

a. Title I. Financial Assistance to Local Education Agencies for education of Children from Low-Income Families.

b. ESEA Consolidated Programs

    1) Libraries and Learning Resources

    2) Educational Innovation and Support Programs

c. Bilingual Education Programs

d. Miscellaneous Provisions

e. Ethnic Heritage Studies

C. Emergency School Aid Act

D. Education Amendments of 1975 (PL 94-482)

    1. Higher Education Act of 1965 as amended

        a. Community Services and Continuing Education Life Long Learning Act

        b. Student Assistance

        c. Graduate Programs

        d. Special Programs for Students from Disadvantaged Backgrounds. The Educational Information Centers

        e. Teacher Corps, Teacher Training Programs, Teacher Centers

        f. Establishment and Expansion of Community Colleges

E. Other Programs

    1. Alcohol and Drug Abuse

    2. Education Broadcasting Facilities

    3. Project Head Start

    4. Public Libraries

5. Institute of Museum Services
6. White House Conference on Families

F. Handicapped Education

G. Education Programs not under the Office of Education

HISTORY: THE COMMITTEE AND TITLE IX

In 1970 Congress held the first hearings ever conducted on discrimination against girls and women in education. The hearings documented extensive sex discrimination in educational policy and practice.* 1/

> From early childhood education through graduate education, females and males are exposed to sex discrimination and sex role stereotyping in the curriculum, in extra curricular programs, in regulations and policies governing student life, in physical facilities, in the behavior of education personnel, and in the structure and organization of education institutions. Sex discrimination and sex role stereotyping whether overt or covert, direct or indirect, function to deny the equal educational opportunity guaranteed by law.2/

Following the Congressional hearings and debate, Public Law 92-318 was passed by Congress and signed by the President on June 23, 1972. Known as Title IX of the Education Amendments of 1972, the law effects virtually all public school systems and post-secondary institutions.

The Title IX preamble states:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.3/

No previous Federal anti-sex discrimination enactments had the breadth and scope to protect students and employees at all levels of the educational process from the sex discrimination they might encounter in educational institutions.

---

*All notes are at the end

The Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) began its official interest in Title IX of the Education Amendments of 1972 when then Secretary Caspar Weinberger requested that this Committee take the development of Title IX as one of its four areas of "prime concern." This the Committee did and when the proposed Regulation for Title IX was issued in June, 1974, a majority of the recommendations suggested by the Committee had been incorporated.

During this same period, the Committee reviewed the proposed legislation for the Women's Educational Equity Act and the Department's testimony on the bill and recommended to the Secretary that the Department change its position and support the Women's Educational Equity Act. The Act became law in 1974.

In the SACRRW 1973-74 report to the Secretary, additional recommendations on Title IX were made. Many of these were included in the final Regulation, promulgated by the Department, approved by the Congress, and signed by the President. It became effective on July 21, 1975.

During 1976, SACRRW has continued its interest in Title IX with the development of an assessment of the Department's implementation and enforcement of Title IX. Members of the Committee and its representative have talked with individuals at the national and regional offices who have responsibility through their agencies for enforcement and implementation, and with many non-governmental representatives of the affected parties. A representative of the Committee was also afforded the opportunity to participate for five days as an observer during a compliance review for Title IX conducted by the Office for Civil Rights. We especially wish to thank OCR for making this insight available to the Committee.

Present Inequities

Knowledge of the long-range effects of sex role stereotyping and sex discrimination is increasing. That knowledge is sharpening our ability to understand the urgent need to make the American educational system sex fair.

The question of inequality in education has always been tied to outcome: how well has the educational system done its job in regard both to achievement in school and to what the school has prepared the individual to accomplish once the school yard or the college campus has been left behind?

The survey released in 1975 by the National Assessment of Educational Progress,[4] revealed that girls, nationwide, tested academically equal to their male peers at age nine, began to fall behind by age 13 in mathematics, science and social studies. This downward trend continued through the late teens and into adulthood.* Traditionally, educators have thought of girls as doing well in school, but perhaps perceptions have been clouded by a failure to look at what girls were avoiding and what the cost of that avoidance will be.**

Contrary to the belief exemplified in the "Cinderella Syndrome"6/ that girls, as adult women, will be "taken care of their life long," thereby being relieved of the need to prepare to take responsibility for their own lives with a rigorous education, the Committee would once more draw attention to the fact that 54 percent of all American women between the ages of 18 and 64 are in the labor force.7/ If they remain single, they can expect to work for 45 years of their life and even if they marry, they can expect to work outside the home for an average of 25 years.8/

Today the problem is that the majority of women are in low paying dead-end jobs which reflect neither interest nor ability.[9] In the world of the 21st century where today's schoolchild will spend most of her adult life, the Committee believes that those without resources in mathematics, the sciences, and social studies will be at an almost insurmountable career disadvantage.

---

*Dr. Lucy Sells' research at Berkeley pointed out that only eight percent of entering females had the four years of high school math required for entry level courses in 15 out of 20 possible majors. Stated another way, 92 percent of Berkeley's entering freshmen women were limited to five out of a possible 20 subject majors.5/

**The National Assessment of Educational Progress data was released in 1975. By the summer of 1976 the public information office of NAEP could report that the story had been carried by 716 newspapers with a readership of 67 million people. The office also reported that no professional organizations, no state-level agencies, and no Federal agencies had come in to study the data on the decline of female achievement.

Although many factors in society carry a discriminatory message which impacts negatively on the aspirations and achievements of girls and women, education must accept its share of the responsibility.

Educational stereotypes are limiting, debilitating and, in the long run, discriminatory. Title IX can help to recoup that failure if it is implemented and enforced with fairness and with vigor.

THE MAGNITUDE OF THE RESPONSIBILITY

All policy, funding and staffing of Departmental programs should be assessed for recognition of the fact that under Title IX of the Education Amendments of 1972, 60,000,000 individuals have been added to those whose civil rights are to be protected and implemented by the Department.

The most difficult step to take in assessing the effectiveness of the enforcement and implementation of Title IX is the step which permits recognition of the magnitude of the Title IX responsibilities.

The Federal responsibility for compliance with Title IX effects the civil rights of almost 45 million elementary and secondary students who interact with the policies, practices, and attitudes of over 3 million educators in almost 96,000 schools.[10/] Ten million students interact with 887,165 full-time and part-time professional staff in 3,019 colleges, universities, branch campuses, and two year community colleges.[11/]

Title IX also protects the civil rights of women and men employed in elementary, secondary, and post-secondary educational institutions, and agencies as both professional and support staff.

Table 1: People Directly Affected by Title IX

Elementary & Secondary:	Students	44,837,000	
	Teachers	2,955,448	
	Counselors	55,000	
	Principals	73,397	
	Superintendents	13,037*	
	Support Staff	unknown	
	Total:		47,933,882
Post-Secondary:	Students	10,000,000	
	Professional Staff	885,165	
	Support Staff	701,621	
	Total:		11,586,786
		Grand Total:	59,520,668
Elementary and Secondary Schools in 16,000 School Districts:	95,864		
Post-Secondary Institutions	3,018**		
Total:	98,882		

Large as these figures are, they still may not encompass the total responsibility because they do not include private elementary and secondary schools which may receive Federal financial assistance and thereby come under Title IX, or post-secondary schools other than colleges, universities, and community colleges, and their branch campuses.

The Committee believes that the figures in Table 1, showing that at least 60,000,000 people in approximately 99,000 elementary and secondary schools and post-secondary institutions are affected by Title IX, indicate:

---

*Of this total of superintendents, 65 are women.12/

**Of this total of post-secondary institutions and branch campuses, 155 have women as the chief executive officers.13/

1) Management, funding, and staffing of enforcement agencies relative to the numbers of individuals in a numerical minority of the population will not suffice to enforce sex discrimination prevention for a numerical majority as well.

2) Management, funding and staffing of programs to provide technical assistance to remediate discrimination for a numerical minority of the population will not suffice to remedy sex discrimination for a numerical majority as well.

3) Data collection geared to develop an effective data base on discrimination against cultural and ethnic minorities is unlikely to provide an effective national data base on sex discrimination as well.

4) Policy research at the highest levels is needed to plan an attack on a responsibility of this magnitude.

ENFORCEMENT: THE OFFICE FOR CIVIL RIGHTS

History and Responsibilities

The Department of Health, Education, and Welfare's delegated responsibility for civil rights enforcement was handled originally by 25 persons in the Office of Education mandated to oversee compliance with Title VI of the Civil Rights Act of 1964. This small group became the Equal Educational Opportunity Program and then the Office for Civil Rights (OCR) assigned to the Office of the Secretary.[14/]

The Office for Civil Rights in now responsible for developing, enforcing, and monitoring compliance with the following laws, regulations, and executive orders:

(a) Title VI of the Civil Rights Act of 1964 which bars discrimination on the basis of race, color, and national origin in federally assisted programs.

(b) Executive Order 11246 of 1965, as amended in 1967 by Executive Order 11375, which bars employment discrimination by federal contractors on the basis of race, color, religion, sex, and national origin.

(c) Section 799A and 845 of the Public Health Service Act of 1971 which bars discrimination in admission on the basis of sex in federally assisted health professions training programs.

(d) Emergency School Aid Act of 1972 to check the status of school districts for civil rights compliance to determine eligibility to receive federal funds to achieve racial desegregation.

(e) Section 407 of the Drug Abuse Treatment Act of 1972 bars discrimination in admission for medical emergency of drug-abuse cases in public and private hospitals receiving federal financial assistance.

(f) Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973 which bars discrimination for admission for medical emergency of alcohol abuse cases in public and private hospitals receiving federal financial assistance.

(g) Section 504 of the Rehabilitation Act of 1973 which bars discrimination on the basis of a handicap in federally assisted programs.

(h) Title IX of the Education Amendments of 1972 which bars discrimination on the basis of sex under any education program or activity receiving federal financial assistance.

Annual Operating Plan: FY 1977[15/]

New management plans are needed to: eliminate all backlogged and projected complaints; mount school district-and institution-wide compliance reviews for Title IX and other civil rights laws.

The Committee is deeply concerned that a lack of initiative to enforce compliance through major reviews commensurate with the magnitude of the numbers involved and the timely elimination of all backlogged and projected complaints at all levels of education will lead to increased snowballing of complaints and an increasingly contemptuous attitude toward elimination of sex discrimination by educational authorities.

The Office for Civil Rights is itself now under court order to enforce Civil Rights laws. The court order* of July 20, 1976 was the result of a suit brought by women and minorities charging HEW with nonenforcement of civil rights laws affecting these groups in the 17 Southern and Border States. The Annual Operating Plan stems from the court order. The provisions of the court order apply only to elementary and secondary schools, not to post-secondary institutions. The order requires the resolution of the entire backlog of complaints from elementary and secondary education by October 1, 1977. The order sets time tables for completion of system-wide elementary and secondary school reviews but does not require that any be undertaken. The order does not require any activity by the Office for Civil Rights in post-secondary institutions either in regard to complaint resolution or compliance reviews for students' or employees' rights.

In the Annual Operating Plan the Office for Civil Rights has spelled out how it proposes to handle the enforcement of Title IX, as well as all the other laws for which it has responsibility. To accomplish the enforcement for which it is responsible, OCR has projected for FY 77 a staff in the regions* of:

---

*The Annual Operating Plan is the result of a court order issued July 20, 1976 in response to the Adams v. Mathews suit brought by Black parents and students and joined by Hispanic-American parents and students. This suit was joined by women's organizations and others in: Women's Equity Action League, National Organization for Women, National Education Association, Federation of Organizations for Professional Women, Association for Women in Science, United States National Student Association, and Individual Complainants v. Mathews. The suits charged HEW with nonenforcement of civil rights law affecting these groups in the 17 Southern and Border States.

- 287 individuals to handle complaints, and
- 146 individuals to handle compliance reviews.

The 146 individuals assigned to compliance reviews will handle any Title IX reviews of 16,000 school districts containing approximately 96,000 schools as well as reviews of 3,018 post-secondary institutions (in addition to reviews of other entities covered by all other enactments for which OCR is responsible). The 287 individuals assigned to complaints will handle any complaints brought under Title IX by the 60,000,000 individuals affected by that statute (as well as any complaints brought under all other enactments).

---

*As of August 31, 1976, the positions filled in the regional offices of OCR totalled 543 including both professional and clerical staff. Projected for the Annual Operating Plan for 1977 are an additional 181 permanent staff and 88 temporary appointments for a total OCR regional staff of 812 persons from which the 433 individuals noted in the text (287 on complaints and 146 on compliance reviews) would be derived. The headquarters staff in Washington, as of August 31, 1976, totalled 186 and the Office of the General Counsel totalled 58. Those two staffs are not projected for expansion in the Annual Operating Plan for FY 77.

Table 2: Complaints Brought to the Office for Civil Rights

As of September 23, 1976 the Office for Civil Rights Annual Operating Plan for 1977 notes there were:

BACKLOGGED COMPLAINTS			
Received in prior years investigation not begun as of October 1, 1976	Elementary & Secondary:	611	
	Higher Education:	650*	
	sub total:		1,261
CARRY-OVER COMPLAINTS			
Under investigation and expected to be completed without delay sometime after October 1, 1976	Elementary & Secondary:	374	
	Higher Education:	254	
	Health and Social Services:	109	
	Educational TV:	5	
	sub total:		742
	Sub Total UNRESOLVED COMPLAINTS:		2,003
PROJECTED COMPLAINTS			
Projected for FY 77 by Office for Civil Rights	Elementary & Secondary:	1,050	
	Higher Education:	372**	
	Health and Social Services:	304***	
	Educational TV:	7	
	Sub Total PROJECTED COMPLAINTS:		1,733
GRAND TOTAL: UNRESOLVED AND PROJECTED COMPLAINTS:			3,736
	PROJECTED TO BE RESOLVED:		2,811
	PROJECTED TO BE UNRESOLVED:		925

---

* 323 of these Higher Education Backlogged Complaints will not be investigated in fiscal 1977.

** 308 of these Higher Education Projected Complaints will not be investigated in fiscal 1977. Sixty-four projected as "emergencies" will be.

***286 of these Health and Social Services Projected Complaints will not be investigated in fiscal 1977. Eighteen projected as "emergencies" will be.

Table 3: Compliance Reviews by the Office for Civil Rights

ELEMENTARY AND SECONDARY COMPLIANCE REVIEWS	In Progress:	*129	Lau
		44	ESAA Ineligible Districts
		59	Title VI
		39	Title IX
		7	Combined Title IX, VI and Section 504
	Projected '77:	151	Lau
		45	ESAA Ineligible Districts
		** 29	Combined Title IX, VI and Section 504
HIGHER EDUCATION REVIEWS	In Progress:	6	monitoring desegregating university systems under Title VI
		29	completing Affirmative Action Plan Reviews under Executive Order 11246
	Projected '77:	52	reviews of Affirmative Action Plans under Executive Order 11246

---

*Lau v. Nichols, Jan. 21, 1974 Writ of Certioria U.S. Court of Appeals for the 9th Circuit. On May 25, 1970 a Memorandum was issued to school officials notifying them of their responsibility to other-than-English-speaking students.

**None of these reviews are system-wide reviews of districts. They are reviews of vocational and state-supported schools.

The Annual Operating Plan projects 108 actions monitoring construction projects and 17 pre-award reviews of Affirmative Action Plans in other than Higher Education Institutions.

The Office for Civil Rights' Annual Operating Plan indicates that if no more complaints are filed than are presently projected by OCR,* and if all projected reviews are completed and resolved before the end of FY 1977, there will be 925 complaints uninvestigated, and no initiation of reviews of higher education for student or employee discrimination.** The Plan projects 29 reviews in which Title IX is a component (out of a possible 16,000 school-district targets) but none of the 29 are comprehensive district-wide reviews covering students and employees.

Prompt and effective investigations whether of complaints or compliance reviews linked with prompt and effective remedial action are one of the most effective procedures for strengthening compliance with Title IX.

---

*The recent passage of the Civil Rights attorney's Fee Award Act of 1976 (PL 94-559) on October 19, 1976, allowing for recovery of the attorney's fees for the prevailing plaintiff in civil rights cases, including Title IX cases, will make it possible for more individuals to avail themselves of legal help. The Act was passed after the issuance of the Annual Operating Plan.

**National Center for Education Statistics16/ indicates that the dollar gap between women's salaries and men's salaries in college and university faculty was greater in 1975-76 than in 1974-75 at all faculty ranks. Women comprised not quite one quarter of the instructional faculty and were mostly employed at the lower faculty ranks. The percentage of women at the rank of professor decreased between 1974-75 and 1975-76.

Prompt response and follow through puts other educational authorities on notice that they must be responsive to their own employees and students. It offers an incentive for them to move forward to end sex discrimination rather than await intervention by the Office for Civil Rights. This is possible, of course, only when that intervention is known to be forthcoming.

One serious consequence of the Annual Operating Plan is that it notifies educational entities that whether they are in- or out-of compliance, there is no plan to review their activities in regard to Title IX in the forseeable future, or, in the case of higher education, even to respond to complaints about possible lack of compliance.

Meetings with Title IX coordinators from educational institutions and agencies reveal attitudes indicating widespread belief that enforcement of Title IX is a very low priority for the Department, that the ultimate sanction has not and will not be used for Title IX*, that their superintendents and executive officers have indicated the need to do only the minimum, to raise as little interest in Title IX as possible and to delay aggressive compliance efforts until there is "clear" indication that the Department views Title IX as a serious matter.

---

*Cutoff proceedings were initiated against 634 school districts in violation of Title VI of the Civil Rights Act of 1964 during the first two years after passage of that law. Five years after the passage of Title IX, not a single educational entity has been faced with the "ultimate enforcement power"18/ in regard to sex discrimination.

Even with its severe limitations, the Office for Civil Rights is legally bound to enforce the Annual Operating Plan only in elementary and secondary schools and only in the 17 Southern and Border States. There exists no court order to enforce civil rights law in post-secondary institutions. Although the Office for Civil Rights has stated that the Plan will be enforced in the Northern and Western regions, that is entirely a matter of OCR discretion.

The Committee commends the Office for Civil Rights for its publicly-stated intention to enforce the court order nationwide and urges that this enforcement effort be given on-going, serious attention, to ensure that the educational entities in 33 states are maintained as equal targets of concern by the Office for Civil Rights in regard to Title IX.

Model Reviews

Detailed plans should be developed and coordinated nationally for model, comprehensive, system- and institution-wide compliance reviews using the same criteria and tools across all regions. Desk reviews of targeted segments of discrimination should be carried out region-wide and coordinated nationally. A nationwide review in all areas of physical education and athletics at all levels of education should be planned and carried out.

Comprehensive Reviews

Uniform compliance reviews with standardized techniques, nationally planned, and closely coordinated with the 10 regions would present a positive national picture of the Department's intent and effort to remediate sex discrimination in education.

This could be accomplished by a series of reviews in each region and across all regions at approximately the same time. The reviews would include one state agency, one city school system, one university, one college, and an area vocational education institution independent of the local school system. Results would impact not only locally as the data was released sequentially, but when combined, analyzed, and interpreted, could provide useful information for future enforcement and remediation activities. Additionally, and perhaps most importantly, the reviews, by their coherence and national public attention could provide incentive for change, and models for doing so, to similar educational entities.

The model reviews should use nationally standardized criteria for site selection, data collection, those to be interviewed and interview questions in order to provide equal assessment nationwide.

Desk Reviews of Targeted Topics

Together with comprehensive regional reviews of various types of educational entities, desk reviews of targeted topics (segments of discrimination) should be undertaken region-wide in every region. Among the topics to be reviewed might be coaches' salaries, supplements for extracurricular activities, exclusion from courses on the basis of sex, any vocational schools still remaining single sex, and sports activities in elementary schools.

The segments should be selected for their impact on all schools and for their widely acceptable representation of areas of discrimination, e.g.: unequal opportunity, unequal pay, or exclusion. The data could have significant impact if, after local release, it was collected, analyzed and interpreted nationally.

Nationwide Review of Elementary, Secondary and Post-Secondary Physical Education and Athletic Programs

The importance of physical education and athletics in the educational life of girls and women is frequently overlooked. During the 10 years the President's Council on Physical Fitness and Sports has offered Presidential Physical Fitness Awards for school-age youth, more girls (1,261,942) than boys (917,944) have merited the distinction of award.[19/] However,

> [Girls seem to] hit their physical peak when they are 13-or 14-years old and after that their performance levels off. Boys' fitness scores continue to rise as they get older.[20/]

Yet, the study also indicates that scores can be improved when added emphasis is given to physical activities in the public schools.*

As with much that has to do with sex discrimination, the long-range implications of the kind and quality of physical education and athletic opportunity offered girls are important to consider.

> School athletics is the most visible of those areas where girls do not receive equal treatment. As many as 50,000 men each year earn their college education via athletic scholarships... During elementary school ..., the disparity between budget, facilities, and equipment /for boys and girls/ begins. By high school, girls are relegated to the role of spectator and cheerleader. (Emphasis added.) 21/

Over 50,000 young women are not having their college education paid for in whole or in part by athletic scholarships. Yet, many young men have moved up and out of what otherwise might have been an economically dead-end life through the medium of the college athletic scholarship.**

---

*For example, in one large southern city cheerleading is a designated "varsity sport" for the girls at the predominantly black high school. In order to participate in this "sport" girls wash cars to buy their uniforms and pay their travel expenses. The boys' needs are taken care of by the school. In another suburban, predominantly white, junior high school, girls have had crocheting for physical education on rainy days because the boys "need" the gym. What constitutes a varsity sport and who "needs" the gym may be quite different in rural, suburban and urban Iowa where girls' basketball is the headline sport in newspapers across the state.

**The impact of the recognition that athletic excellence can provide a way to attain a college education for girls too, was demonstrated recently when a 15 year old girl went to court because her high school teaches only "girls' rules" in basketball. She felt this was denying her an opportunity to develop her skills and "diminishing her chances for a college scholarship."22/

A comprehensive review of sex discrimination in physical education and athletics at all levels of education promptly followed by serious remediation efforts, could have very beneficial, long-range educational results. The Committee urges that this be undertaken.

Standardization of Procedures for Reviews

Uniform criteria and techniques for undertaking and handling compliance reviews should be developed and instituted across all regions.

"Joint reviews," i.e. on-site investigations by OCR for compliance with a variety of civil rights laws at the same time, appears to be the way OCR intends to handle more and more of its compliance reviews. Whereas Title IX was investigated separately in past years, the Annual Operating Plan projects only joint compliance reviews combining Title VI, Section 504, and Title IX.

If the trend toward joint reviews continues, the need to establish criteria to determine 1) where the reviews will be held, 2) what kind of data will be collected, and 3) how the on-site component of the review will be conducted is intensified in order to ensure maximum protection for all affected parties.

Definitions

The Committee has found that some compliance reviews have covered employment but not students; other reviews have covered students and professional employment but not non-professional staff. Other reviews have covered only a segment of student affairs. Some reviews, although described as "joint reviews" do not seem to have always thoroughly investigated all areas which impact disproportionately on females. Yet, some of these reviews have been called "comprehensive" although none of them has comprehensively covered Title IX.

Site Selection

Presently there do not appear to be any nationally agreed upon criteria for deciding where to undertake a review for compliance with Title IX.

The following are among the reasons given by headquarters and regional staff for beginning a compliance review for Title IX:

- Number of complaints received
- No complaints received but the site would have state-wide impact
- Staff time available
- Size of institution or agency
- "Women's groups raising hell"
- Contemptuous attitude of school officials
- Complexities involved (something new and useful would be learned).

The following are among the reasons offered at headquarters and the regional offices for not undertaking a Title IX review:

- Title IX is not important enough to do a separate review
- Lack of "clear" indication "from Washington" that Title IX is an "important issue."

- Lack of Higher Education Title IX Manual
- Lack of staff training
- Lack of staff time
- Title VI complaints (New complaints were filed under Title VI after plans for Title IX review were underway. Because the regional OCR office was not yet prepared to carry out a review on Title VI, the planned review for Title IX was cancelled).
- Complexities involved (too many factors which could be "potentially volatile").

Local Data Collection

Before an on-site review takes place, regional offices of OCR require complex statistical information from the educational entity under review. According to OCR procedures this data is to be analyzed prior to the on-site review in order to provide the on-site review team with background information for follow-up in problem areas or in areas where the data appear incomplete.

Interviews and Observation

The on-site review component of a compliance review offers an opportunity to gather data from interviews and observations. Two very important groups from whom data could thus be generated are 1) those whose activities are potentially discriminatory thought not readily quantifiable in data tables, and 2) those whose information may not be recorded in the officially forwarded data collection.

It appears to the Committee that the categories of personnel to be interviewed and/or observed are not standardized. This results in wide variations of information collected within a single review, between two reviews in the same region, and among regions. It would seem that this would be potentially unfair both to those being reviewed for compliance and those hoping for remediation through a compliance review.

For instance, the treatment of students in the classroom and on the playground may be among the most potentially discriminatory aspects of elementary school life. If investigators do not consistently take the time to observe and record classroom and playground treatment, very little may be learned about sex discrimination in elementary schools as it impacts on students.

The Committee has noted that even when similar categories of personnel are interviewed, non-comparable information may still be developed because even the baseline questions asked are not standardized. For example, the counselor asked if s/he feels there is any sex discrimination in the treatment of students in the school, may provide a different data base than the same or different counselor who is asked how s/he develops interpretations for evaluative instruments and how the school offers guidance for exploration of nontraditional areas of study. Another different data base may be generated when guidance materials are examined for sex discriminatory text and/or illustrations.

It also seems that if time allows for only one interview at a school, the highest level administrator is chosen. It is possible that such limitations preclude interviews with individuals who might be willing to share the kind of information an on-site review is uniquely capable of gathering and which may not be available in the officially prepared data collection. Interviews in a school should never be limited to one individual because of time constraints.

Local Civil Rights Advocacy Groups

Under "Review Procedures" the Title IX Manual for the Elementary and Secondary Division states:

> Interviews with complainant, representatives of advocacy groups and other contacts should occur as early as possible during the on-site review. They often provide leads to pertinent data that should be requested from school officials. In addition, allegations made by complainants or other contacts should be checked immediately with school officials. Where there is a discrepancy between that reported to you by the complainant and that reported by the LEA, the complainant should be told of the LEA's report and given an opportunity to disagree with it.23/

Reportedly Office for Civil Rights regional personnel have traditionally contacted local civil rights advocacy groups such as the NAACP or local human rights committees when conducting investigations on Title VI in order to gain leads, as suggested, on pertinent data.

It does not appear that the Office for Civil Rights is routinely contacting local chapters of civil rights advocacy groups such as the National Organization for Women or the

Women's Equity Action League during on-site visits for Title IX. However, it would seem likely that these groups would be able to provide information and insight on pertinent data regarding sex discrimination in the institutions and agencies under review in their area.

While recognizing that there will occasionally be reasons for instituting a review for very special situations, the Committee feels that there are compelling reasons to develop national standards. The committee recommends the development of criteria for site selection to which regions adhere; the development of categories to be interviewed on every on-site review (unless the category does not exist at a given review); the development of basic questionnaires for each category.

The Committee also urges the study of ways to notify in advance, parents, students, employees, and advocacy groups that the Office for Civil Rights will be in the area and where and how they may be contacted.

The Committee believes that the institution of these recommendations would make the reviews more effective, at the same time broadening the perspective and tightening the procedures.

National Data Collection

Improved fact gathering mechanisms are needed to document the pervasiveness of sex discrimination in educational institutions. A special survey to collect baseline data by sex in all educational areas pertinent to Title IX should be undertaken. The survey should cover all local education agencies, state agencies, and post-secondary institutions. The data should be made available as a research publication for the public.

The Committee is aware of the difficulties attendant on gathering data nationwide and wishes to commend the Office for Civil Rights for the beginning efforts made in 1976 to attain some national data base on sex discrimination in education.

The Assurance Form

In July of 1976 an Assurance Form[24] was sent to superintendents of local education agencies, chief state school officers, and presidents of colleges and universities requiring a signature to the document assuring the Office for Civil Rights that their educational entity had established a grievance procedure, appointed a Title IX coordinator, and notified all students and employees of the grievance procedures and the name, address, and telephone number of the designated Title IX coordinator.

The recipient was also required to assure the Office for Civil Rights that it had completed a Title IX self-evaluation. If, in the process, it had found any of its policies and practices to be out of compliance, it was to note that it had taken, or was in the process of taking, steps to come into compliance. The due date was September 30, 1976.

In February, 1977, the Department announced that educational entities would have until March 15, 1977 to comply with the Assurance requirement. Those not complying would be notified that they are in jeopardy and that in 60 days, by May 15, 1977, termination proceedings would be begun.

The Committee commends these positive steps to enforce the requirements of the Regulation. It is mindful, however, that simple acceptance of assurance of nondiscrimination is only a first step -- and in some instances may serve to mask the true nature of occurrences.

> The acceptance of an assurance without on-site verification disregards the well-established fact that almost all recipients of Federal financial assistance sign assurances even if they have little intention of complying ... In part this occurs because recipients realize that the chance of their noncompliance being discovered by a Federal agency is slim; and, even if it is discovered, as long as they are willing to negotiate and promise to change their discriminatory policies, they need not fear enforcement action.*

The statement by the United States Commission on Civil Rights underscores what the Committee perceives as a critical need for increasing the number of on-site reviews whether stemming from complaint investigation or overall compliance review.

Civil Rights Survey: 1976-77

The Office for Civil Rights conducted a survey in the fall of 1976 based on a pre-test done in June, 1976, to determine educational compliance with civil rights legislation. The survey is divided into two forms.

---

*The Federal Civil Rights Enforcement Effort-1974: To Ensure Equal Educational Opportunity. A report of the United States Commission on Civil Rights. January, 1975. Vol. III. Washington, D.C.: U.S. Commission on Civil Rights. P. 331

Form 101: School System Survey Report. Form 101 was sent to all 16,000 school districts and is an adaptation of the Office for Civil Rights' 1972 education survey. It does not ask detailed questions requesting data by sex. Districts were asked if they have different graduation requirements based on sex, numbers of suspensions by sex, overall vocational education enrollments by sex (but not by course of study) and total enrollment figuras by sex. The due date on the form was February 1, 1977.[25]

Form 102: Individual School Campus Report. Form 102 was sent to approximately 3,500 school districts and to every school within each of the selected districts. The selected school districts contain about 90 percent of the nation's minority students. Form 102 sought information on enrollments by sex in home economics, industrial arts, highest level mathematics class, highest level science class, assignment to special education classes, data by sex on dropouts, suspensions, corporal punishment and disciplinary procedures. The due date on the form was February 1, 1977.[26]

Higher Education General Information Survey Form 2300-2.3

This survey represents a combination of two surveys formerly collected separately by the Office for Civil Rights and the National Center for Education Statistics. The questionnaire is mandatory for all institutions of higher education which receive, are applicants for, or expect to be applicants for Federal financial assistance as defined in

Title VI or Title IX. The survey seeks information by sex on enrollments of full-time and part-time undergraduates, first professional students, first year graduate students, graduate students beyond the first year and unclassified students. The form provides enrollment information by sex on ten major fields of study: Agriculture and Natural Resources, Architecture and Environmental Design, Biological Science, Business and Management, Engineering, Dentistry, Medicine, Veterinary Medicine, Law, Physical Sciences and the category "all other." The due date on the form was December 15, 1976.[27/]

The Need for a Special Survey Pursuant to Title IX.

As this report has noted, the data gathering begun in 1976 represents a commendable beginning but much more detailed information is needed from all educational entities at all levels.

Presently, no survey at any level covers the full range of information needed to assess possible non-compliance with Title IX. The surveys of elementary and secondary schools ask no questions on physical education, athletics, extracurricular activities, awards, health services (including treatment and placement of pregnant students), counseling evaluative materials, administrative staffing patterns, salaries including coaching and supplemental. All of these areas impact directly and critically on girls and women in education. Identical questions could be asked of most, if not all, post-secondary institutions. These areas are all covered by Title IX and are but a sample of what could be listed.

The Committee is aware that many chief state school officers and chief executive officers are concerned about additional data collection. For this reason, the Committee recommends that the Department develop a position paper for education administrators on the need for a firm data base on sex discrimination and the purposes it will serve. If necessary, training might be offered to key administrators on the importance of cooperation in this effort.

In areas where quantification may be difficult, the development of special questionnaires might be undertaken and, where necessary, followed up by personal interviews. The Committee also recommends careful development of questions in order to prevent recipient answers which do not reveal the extent of the problem.*

Use of the National Center for Education Statistics' new Fast Response Survey System to collect national estimates for a limited number of data items within a relatively short time period is a useful new way to collect timely, preliminary information.

---

*An Office for Civil Rights official in the regions pointed out that a question: "How many girls participate in basketball?" answer: "30", will not reveal that 30 girls are playing on one team and 60 boys are playing on three teams. Conversely, only asking for the numbers of teams, will not reveal how many play on each team.

The Committee strongly recommends that a special survey to collect baseline data by sex in all educational areas pertinent to Title IX should be undertaken. The survey should cover all local education agencies, state education agencies, and post-secondary institutions.

This data when collected could be used to identify potential problem areas and serve as baseline data against which progress in the elimination of sex discrimination could be measured. Title IX data-needs as revealed by the special survey could be institutionalized in the regular elementary and secondary survey and Higher Education General Information Survey.

The Committee recommends that the data collected from a comprehensive survey on sex discrimination pursuant to Title IX be well publicized. It should be made available as a research publication for the public from the Superintendent of Documents, or on contract from another source if that is quicker.

The Big City Reviews

Big City Reviews should be assessed for 1) their impact on girls and women with regard to several years delay on presentation of findings and remediation and 2) impact on OCR response capability in a given region to complaints, and development of other compliance reviews.

The original Big City Review began in 1973 in New York City. The review sought to determine if equal employment opportunities as well as equal education services for minority group children, for the mentally or physically handicapped and, added on after the review began, equal educational services for females were being offered. The Letter of Findings on employment compliance was delivered on November 1, 1976. The Letter of Findings on student services followed on January 18,1977.

Similar Big City Reviews will be undertaken in Philadelphia, Chicago, and Los Angeles.

These investigations will review possible discrimination against the following national percentages of elementary and secondary students:

- 21 percent of Hispanic-American students
- 20 percent of Asian-American students
- 15 percent of Black students
- 1 percent of Native Americans
- a "significant" proportion of handicapped students
- 6 percent of female students (including girls of minority groups)[28]

The Committee recommends a study of the goals and objectives of the Big City Reviews. Areas for review could include the effect on students and employees of holding up data information and remediation efforts for several years; the impact of such reviews on the ability of the staff of a given region to respond to complaints and to conduct other compliance reviews for Title IX as well as other enactments for which the Office for Civil Rights is responsible.

The Committee further recommends that Big City Reviews, on-going or in preparation, take these concerns into consideration in their current management plans until a formal study is completed.

Policy Development and Dissemination for Title IX

Assign task forces to develop policy on Title IX issues, engage in appropriate open consultation with those concerned with educational equity for girls and women and in this process establish goals and timelines for the deliberations and dissemination. OCR should provide indepth background on new policy statements in a loose leaf reporting service; include dates and sites of upcoming compliance reviews; provide the reporting service free to those wishing to be on the mailing list.

Task Forces on Title IX Issues

Advance preparation, particularly on those issues which impact on traditional processes, would allow time to prepare the deep background necessary to develop support for decisions. Areas that might be considered immediately include: discriminatory health insurance plans used by educational entities, paternity leave criteria, "revenue producing sports" and their impact on both women's and men's athletic opportunities,* and the counselor's responsibility under Title IX.

---

*This issue is particularly deserving of careful research and deliberation in preparation for a clear policy statement well in advance of the deadline for athletic compliance in July, 1978 of secondary and post-secondary institutions. It appears that many institutions are proceeding on the hopeful belief that bringing men's minor sports and women's sports in their entirety into general alignment, leaving "revenue producing sports" untouched, will satisfy Title IX requirements. Nothing in the Title IX Regulation or Office for Civil Rights policy statements thus far suggests that this is permissible.

In order to keep policy statements moving in a timely fashion, the Committee recommends that work begin immediately on Title IX issues through assignment of task forces to develop preliminary policy statements, with appropriate open consultation with those concerned with educational equity for girls and women. The Committee also urges that OCR develop goals and time lines for its deliberations, conclusions and dissemination in order to keep them moving forward expeditiously.

Policy Information Dissemination

The idea of a loose leaf reporting service, now under study by the Office for Civil Rights, could provide a codification of OCR materials and timely dissemination of policy statements, enforcement activities and responsibilities to interested parties.

Until very recently it was possible to find inconsistent policy directives on Title IX coming from several different offices and regions on the same issue. Many believe the lack of coherent, unified policy development has contributed in a major way to the chipping way of the public's perception of the seriousness and integrity of Title IX.

The Committee welcomes the idea of a loose leaf reporting service that would make the correct information available to everyone at the same time. The Committee urges that OCR move forward to implementation of the service.

The Committee would like to take this opportunity to offer preliminary recommendations which it feels would enhance the impact of this much needed publication.

1) Ensure that the scope of the reporting service provides in-depth background material for Title IX. The reporting service offers an ideal public relations vehicle for future policy statements. It offers a unique opportunity to provide the public and the media, as well as recipient organizations and institutions, with policy papers backed with carefully documented, well-argued findings. Such a document, with sociological data, research findings and legal precedent could serve as a briefing paper for the White House and for Congress before rulings are issued. Thus, it could provide policy makers with information in time for thoughtful consideration of the findings, thereby lessening the chance for quick, negative reaction based on lack of illuminating background information.

2) Use the reporting service as a way of informing the affected parties of upcoming dates and sites of on-site compliance reviews, together with information on how to contact the representatives of the Office for Civil Rights in regard to a particular review.

3) While educational institutions and agencies and organizations who are the recipients of Federal financial

assistance will have the funds to subscribe to this publication (indeed, the Federal government may be in the position of subsidizing their subscription) this is unlikely to be true of those most in need of information on their rights: members of the affected parties. For this reason, the Committee recommends and urges that this publication be made available free to those who wish to be on the mailing list as is done with countless other government publications.

Staff Training

Comprehensive, uniform training for every Office for Civil Rights staff person is needed. Equal training for new OCR staffers as they are hired should also be provided. Training should cover not only the technical and legal aspects of Title IX but sociological and psychological implications leading to understanding of the importance of eliminating sex discrimination. Training should be of sufficient duration to cover the information thoroughly with training materials and trainers as necessary.

The Committee has become aware through its discussions with Office for Civil Rights staff that training for the staff on Title IX has been neither uniform nor comprehensive.

The Elementary and Secondary Education Division of OCR provided a five day national training workshop on Title IX in the fall of 1975 for three members of each of the 10 regional office staffs attached to the Elementary and Secondary Division. This training was accompanied by the new Title IX manual which stated:

> This manual has been approved by the OCR Director and should be followed in your conduct of Title IX or joint Title IX/Title VI/ESAA reviews, as well as in complaint investigation.[29]

It was hoped that the elementary and secondary staff who received training would provide training to the staff which had remained in the home office. A Title IX resource person is officially designated and listed for every regional elementary and secondary division office.

The Higher Education Division of OCR held a two day briefing for two or three people on each regional staff attached to higher education. No Title IX manual was provided to the higher education staff. No official Title IX resource persons are listed by the Higher Education Division of the regional offices.

There is no formal evaluation of the amount or nature of the training which was provided to the OCR staff who did not attend the national training workshops.

Demonstrated Need

The Committee is deeply concerned that lack of comprehensive uniform training may be affecting the kind and quality of Title IX compliance reviews and complaint investigations currently being undertaken.

Interviews with OCR personnel on the headquarter's staff and in the regions revealed OCR staff who said that they:

- Might someday be convinced that Title IX was important
- Did not understand the Title IX regulation
- Did not know what "reasonable opportunity" meant or how to evaluate compliance with the phrase
- Did not know how to document practices which caused students to limit their choices

- Did not know how to develop evidentiary findings
- Were referring employment cases brought under Title IX to the Equal Employment Opportunity Commission which has no jurisdiction over Title IX
- Did not know that OCR had the right to require disclosure of a complainant's personnel file from a university which had refused to release it.
- Did not know Title IX covered non-professional employees
- Dropped elementary schools from compliance reviews when pressed for time because there was "little to get" at that level.
- Could not do a Title IX review for students in post-secondary education because they had not yet been provided with a manual or staff training.
- Told elementary and secondary administrators in 1976 that schools had three years grace period before they would have to comply with Title IX.

It would appear that training just a few from a regional office and hoping they will train others has not worked and should be abandoned in favor of more uniform and comprehensive training.

Benefits

The Committee is aware of the expenses involved in training a large staff and making equally comprehensive training available to new staffers. However, it would seem that a well trained staff would make more efficient use of time and resources, would be better able to provide expertise to educational institutions and agencies, and could more effectively remediate sex discrimination for the affected parties.

These are all skills which would be cost effective in the long run.

Staffing Patterns

Analysis of the Office for Civil Rights own Affirmative Action Plan should be instituted. A review of the OCR selection process for staff training, hiring, and promotion should be undertaken to develop procedures and to ensure that women are given fair treatment. Findings should be published.

The Committee became acutely aware as it conducted its assessment of Title IX that in many regions the individuals who have been trained and designated as a resource person on Title IX do not have, because of their lower grade level, authority to make even preliminary judgements in regard to compliance with Title IX. In some regions, they have not been allowed to lead Title IX compliance reviews however high their level of competence on the law because they had not achieved "supervisory" status, a ranking which, apparently can be arrived at by a series of training steps. Most of these individuals are women.

This awareness led the Committee to an assessment of the placement and treatment of all women members of the OCR staff.

As of June 30, 1976 the grade levels of men and women in the OCR , taken from "Office for Civil Rights: Headquarters & Regions on Board" was as follows:

Table 4: Office for Civil Rights Staff as of June 30, 1976

Grade Level	All Women	Minority Women	All Men	Minority Men
1 - 8	215	153	17	12
9 - 11	162	97	125	76
13- 17	37	18	171	84
	414	268	313	172

The inverse correlation of female sex to high grade level is painfully apparent.

Although more minority women than minority men work for OCR and although there are more women at the mid-level positions, neither their number, which would indicate a pool from which to select, nor their presence at the mid-level position, which would indicate already demonstrated competency has any effect. Only six percent of minority women are in the top level jobs. However 46 percent of minority men are in top level jobs.

Although the Committee highlights the discrepancy for minority women, mindful that the OCR began as an office to deal with racial discrimination, it should be noted that the same pattern applies to all women working for OCR.

Overall, almost 13 times as many women as men work at the lowest grade levels; there are more women at the mid-level grades (again indicating a pool from which to promote) but at the top levels men outnumber women by a ratio of more than four to one.

The Committee believes that an analysis of the OCR Affirmative Action Plan should be instituted. This review should include a look at the goals and timetables for moving women into higher level positions and should also examine the training patterns that prepare women to assume the supervisory positions that would allow the Title IX resource persons to lead compliance reviews. The Committee recommends the review and publication of criteria for granting permission for and selection of training for women on the OCR staff.

The Committee believes that the treatment of women on the staff of the OCR is salient to effective enforcement of Title IX.

IMPLEMENTATION: THE EDUCATION DIVISION

All Education Division programs have the potential to implement Title IX through careful oversight procedures which delineate and establish sex discrimination remediation and prevention as a priority objective. To implement Title IX, a raised consciousness is needed in the writing of all requests for proposals, in all review panels, in the efforts of all program officers, in the oversight procedures of the contract and grants office, in the implementation efforts of the regional offices, and in funding and staffing to achieve the goal.

It seems clear to the Committee that at the present time all Education Division Programs should have as a priority the remediation and prevention of sex discrimination and sex stereotyping in all programs and activities funded by the Division. Along side this mainstreaming thrust there needs to continue, for the foreseeable future, the special work of special programs which have remediation and prevention of sex discrimination as their raison d'etre. The models and solutions developed by the special programs should then be mainstreamed into all education programs.

This report will assess four programs in the Office of Education and the research and development programs of the National Institute of Education for capability to implement Title IX. Two of the programs in the Office of Education are direct implementers of Title IX in that their legislative mandate is to provide educators with technical assistance through materials and training for remediation and prevention of sex discrimination. These two programs are Title IV of the Civil Rights Act of 1964, administered by the Equal Educational Opportunity Program and the Women's Educational Equity Act of 1974 administered by the Women's Program Staff.

Two other programs in the Office of Education while not charged with implementation of Title IX do reach into almost every school in the nation with a powerful potential for either eliminating or reinforcing sex discrimination and sex role stereotyping in life planning. These two programs are the Vocational Education programs administered by the Bureau of Occupational and Adult Education, and the Career Education programs of the Office of Career Education.

Finally, the research and development programs of the National Institute of Education will be assessed for their capacity to implement Title IX.

OFFICE OF EDUCATION

Title IV of the Civil Rights Act of 1964 Equal Educational Opportunity Program

> Title IV is an unique law compared with other laws concerned with equal rights. It is not prohibitory nor does it force changes in behavior. Its approach is basically conciliatory. It offers help in meeting problems that are attitudinal and emotional as well as behavioral.30/

History and Responsibilities

Title IV, Public Law 88-352, is administered by the Equal Educational Opportunity Programs (EEOP) of the Office of Education. It originally was enacted to assist school districts implementing racial desegregation by providing funds for technical assistance through contracts with General Assistance Centers (GACs) attached to intitutions of higher education, and State Education Agencies (SEAs), as well as through training grants to Institutes and Local Education Agencies (LEAs).

In 1975, Title IV was amended to include assistance programs for children with limited English-speaking ability. At the same time an additional $5,000,000 was appropriated for these programs.

Also in 1975 the intent of Title IV was expanded to include technical assistance to end educational sex discrimination. However, no additional funds were appropriated to carry out programs on sex discrimination prevention.

Funding for technical assistance to programs relevant to Title IX was achieved by redistribution of existing funds allocated for racial desegregation programs relevant to Title VI.

Title IV funds for sex discrimination prevention and remediation are distributed through four major outlets: The General Assistance Centers, the Sex Desegregation Training Institutes, Local Education Agencies, State Education Agencies and Desegregation Centers.

The General Assistance Centers were originally set up to provide technical assistance to school systems under court order to desegregate on the basis of race. The GACs were located by setting up regions based on the number of Blacks in a given area. In 1976-77 the Centers were located as shown below:

Table 5: Location of General Assistance Centers*

East:	Connecticut	Southern/Border:	Alabama
	New York		Arkansas
	Pennsylvania		Florida
			Georgia
Midwest:	Illinois		Louisiana
	Indiana		Mississippi
	Michigan		Missouri
	Minnesota		North Carolina
	Ohio		South Carolina
			Tennessee
West:	Alaska		Virginia
	California		
	Hawaii	Southwest:	New Mexico
	Oregon		Oklahoma
	Utah		Texas

Total: 27 States

*The Directors of 26 Centers are men. The Director of one Center (Pennsylvania) is a woman.

Desegregation Institutes which work toward the elimination of racial desegregation are designed to work with local school systems and are not established for regional activity. Although many of these Institutes requested funding for sex desegregation programs, as Table 8 indicates, relatively little was granted to the Desegregation Institutes to work toward the elimination of sex discrimination. The 15 Institutes are located as follows:

Table 6: Location of Desegregation Institutes

East:	Massachusetts New Jersey	Southern/Border:	Alabama (2) Georgia Kentucky Mississippi Tennessee Delaware
Midwest:	Illinois Michigan Ohio		
West:	Washington North Dakota Colorado	Southwest:	None

The Sex Desegregation Training Institutes were first funded for FY 76 in order to provide projects that dealt specifically with sex discrimination. As with the Desegregation Institutes, these Institutes are not established for regional activity but for work with local school systems. Thus, there are 39 states, and the District of Columbia which do not have sex discrimination training institutes.

The Institutes are located strictly by the way the applications for funding are scored. In one instance this has resulted in two Institutes being housed in the same institution.

Table 7: Location of Sex Desegregation Training Institutes*

East: New Jersey

Midwest: Illinois
Iowa (2 centers)
Kansas
Nebraska
North Dakota

West: California (2)
Colorado
Montana

Southern/Border: None

Southwest: None

State Education Technical Assistance Unit. The Equal Educational Opportunity Program office stated that there are no funded state programs exclusively for combatting sex discrimination. However, EEOP stated that sex discrimination is "considered" in all projects.

Local Education Agencies, in FY 76 had 47 grants under Title IV. These programs are not broken out by percentage of money going to sex discrimination or to race discrimination projects. However, EEOP officials stated that the money was "almost exclusively" for race desegregation.

Funding History

An analysis conducted by the Special Projects Branch of the Equal Educational Opportunity Programs indicates that the *locally* perceived need for funding programs and activities to end sex discrimination in elementary and secondary schools, as reflected in the first proposal response allowing for sex discrimination prevention programs was from 44 to 88 per cent higher than the funds finally granted.

---

*Four directors of Sex Desegregation Institutes are men and seven are women (counting the woman who is the director of the two centers at Simpson College, Iowa twice.

Table 8: Amount requested for Sex Discrimination Prevention Programs Funding Under Title IV

Requested By:	Amount Requested:	Amount Funded:	Percentage Funded:
Desegregation Institute	$3,215,407	$ 390,290	.12
Sex Desegregation Institute	2,026,087	1,091,901	.54
State Education Agencies	3,247,271	1,831,097	.56
Local Education Agencies	1,490,408	372,658	.25
General Assistance Centers	no figures given	3,503,012	
Total:	unknown	$7,189,958	

Funding

Sex discrimination prevention programs should be awarded, monitored, and evaluated separately even if placed within a composite program such as a General Assistance Center. Sex discrimination prevention programs should be funded to impact adequately on the school population in 16,000 school districts across the nation.

For the forward funding of fiscal year, 1977, the amount appropriated for all Title IV programs was $34,700,000.*

Girls who could benefit from Title IV sex discrimination prevention programs reside in every state and in every community. In the "Justifications of Appropriation Estimates for Committee on Appropriations, Fiscal Year 1977," the Department's projection of placement of sex discrimination prevention programs is as follows:

- 14 sex discrimination programs to be housed in General Assistance Centers (there are 27 General Assistance Centers nationwide).
- 19 sex discrimination prevention programs at State Education Agencies (there are 58 State Education Agencies eligible for Title IV funds).
- 16 Sex Discrimination Prevention Institutes (each Institute is funded to work closely with one, or at the most a handful of school districts).
- 16 sex discrimination prevention programs at local Education Agencies (there are approximately 16,000 local education agencies).

The justification document also charts the awards by assistance areas for the past two years and projects the placement of awards in Fiscal Year, 1977 as follows:

---

*The Appropriation is $10,300,000 less than the estimate of the perceived need delineated in the Joint Statement of parties affected by Title IV funding to the U.S. House of Representatives Labor-HEW Appropriation Subcommittee, March 5, 1976. This coalition included the American Association of University Women, National Council of Negro Women, National Congress of Hispanic American Citizens and Women's Equity Action League.

Table 9: Awards by Assistance Area

	1975	1976	1977 (Projected)
Desegregation	134	134	187
Bilingual education	22	22	62
Sex discrimination prevention	11	11	65

This chart, presented in the justification document, unfortunately invites the misleading assumption that sex discrimination prevention programs mushroomed from 11 to 65 in one year. That is not correct. It is correct that only 11 of the 1975 and 1976 programs had funds earmarked and accountable for sex discrimination prevention programs. These were the 11 Sex Desegregation Institutes. However, as shown in Table 8, $6,097,057 was awarded to General Assistance Centers, State Education Agencies, Local Education Agencies and Desegregation Centers for sex discrimination prevention programs. Regretably that money was not awarded or tracked as a separate funding process within the larger recipient base. Thus, it is almost impossible to analyze the actual utilization or impact of the $6 million -- a sum equal to the entire FY 76 budget of the Women's Educational Equity Act.

The Committee believes that in the future, the Department should stipulate that all Title IV recipients will be required to maintain separate funding, monitoring, and evaluation lines for all monies spent on sex discrimination prevention and remediation programs.

As a study of the locations and funding for Title IV projects on sex discrimination indicates, they have neither placement broad enough nor funding commensurate to meet the needs of the girls and young women who are in every school system in every one of the nation's 16,000 school districts.

The Committee recommends that HEW adopt as an immediate priority, a study of more forceful ways to support the Title IV sex discrimination prevention programs both in regard to location and funding. This should not be accomplished by cutting into the projected programs for desegregation and bilingual education. Implementing sex discrimination prevention programs should be a priority concern of the Equal Educational Opportunity Program Office in FY 78. The Department should develop appropriation requests commensurate with the magnitude of the Title IX constituency and the numbers of educational entities involved.

Sex Discrimination Prevention Interfaces with the Bilingual and Desegregation Components of Title IV.

A delineation should be required of how goals in bilingual and desegregation components expect to impact on the needs of girls and women of minority groups. Evaluation should be carried out of how well the needs were met.

An assumption that bilingual or desegregation programs designed for the "minority student" will be equally effective for girls and women as for boys and men may be unwarranted. The Committee is not suggesting separate programing but rather an on-going awareness that in all bilingual and desegregation projects, the special needs of the girls and women of minority groups should be recognized and addressed.

Coordination/Facilitation

Facilitation of sex discrimination prevention programs should be strengthened by coordination at the headquarters office in Washington, D.C.

Currently, there appears to be no mechanism for coordinating or facilitating all sex discrimination prevention programs and activities funded by Title IV.

The Committee was unable to discover from the Equal Educational Opportunity Program, Washington office, what sort of sex discrimination prevention programs or activities had been carried out by the General Assistance Centers or other projects funded for these activities during the first year's work with sex discrimination. Headquarters apparently does not collect project materials routinely or maintain an annotated list of project resources developed with its funds.

The Committee was informed that Title IV is a "decentralized" program and that information, if it is collected, is in the 10 regional offices. Project officials in Washington did not know if such files were kept.

In the regions, the coordination effort apparently varies. One official on the staff of a Sex Desegregation Institute did not know whether or not the project was working with the same school district as a nearby General Assistance Center. In another region, the Title IV Office of Education official helped Title IV recipients (for sex discrimination prevention programs) in three states come together to plan ways and means to coordinate and cooperate and, as he said, "help each other pull up by the bootstraps."

In another area of decentralization, proposals are presently submitted to the regional offices, and the review panel for the proposals is selected and funded regionally. The panels, the Committee was told, usually include a superintendent, classroom teacher, guidance counselor, community person, and minority representative. Females are not required to be represented on the panels. The Committee has been informed that consideration is being given to funding panels nationally with nominations from each region. Headquarters hopes that this would prevent possible "pork barreling" in placement of projects.

Whether the panel selection process remains in the regions or at a national level, it would appear that there is a serious need to ascertain that members of the panel are women with background and experience in the remediation and prevention of sex discrimination and that other panelists who do not share that knowledge are given training to enable them to review proposals with sufficient understanding to make worthwhile choices. This may be particularly important to evaluation of sex discrimination prevention projects suggesting innovative ways to get at institutional and attitudinal change.

It is quite possible to locate women knowledgeable about sex discrimination, remediation and prevention from among the ranks of the categories presently sought for review panels, i.e.: class room teachers, guidance counselors, community persons, and minority group members. They should be identified and utilized.

It seems that even if every regional Title IV office was maximumly coordinating and facilitating all sex discrimination prevention programs within its region, that would still leave 10 regions operating separately with only informal contacts for dissemination and sharing among themselves. It also apparently leaves headquarters with no on-going knowledge of the use of its funds to use in future planning or dissemination. This information and knowledge may be particularly useful in these early years of Title IV's interface with sex discrimination.

A coordinating/facilitating office could aid all Title IV sex discrimination prevention programs by developing and circulating on-going information to all sex discrimination-prevention programs funded by Title IV. Such an office could develop training on sex discrimination for panelists and recipient staff. Each year after an evaluation, real and conceptual materials could be organized for review to offer guidance and focus for the next round of funding. After funding is completed, the materials could be sent to new Title IV project directors to help them use existing materials where appropriate, thereby allowing new funds to be used in the most advantageous manner.

Professional Education Training Programs in Higher Education and Title IV

Title IV should be amended to allow General Assistance Centers to work with the students and staff of departments of education and counselor preparation programs.

Title IV offers aid only to the elementary and secondary level of education and cannot work with post-secondary institutions. (The following comments relate only to interface with sex discrimination prevention programs. While we see no reason why the remarks could not be extended to all Title IV programs, we are not prepared to comment on different areas.) Presently, educational professionals and students training to be educational professionals are sometimes "bootlegged" into Title IV conferences and workshops on an individual basis.

While recognizing that the main thrust of Title IV programs must remain at the elementary and secondary level, it would appear to be an undertaking of considerable merit to allow the General Assistance Centers to work with students and staff of departments of education and counselor preparation programs which train the teachers, counselors, and administrators for the school system. As one Title IV regional official put it,"Colleges turn out dozens and dozens of new school personnel and we have to wait until they graduate before we can help them with sex discrimination prevention."

Since institutions of higher education usually are those funded to house Title IV programs, evaluation criteria for awarding funds could include the extent to which the institution is incorporating training on sex equality in education in its own curricula and developmental activities.

To ensure that the main thrust of the Title IV programs still goes to the school systems, the amount to be spent on post-secondary institution training programs could be limited to a specific percentage of the total funding.

Training of Title IV Staff and Recipients

An annual training institute for Title IV recipients and staff specifically on sex discrimination should be instituted.

As its assessment proceeded, the Committee became aware that sex discrimination was not viewed as an important or serious issue by some members of the headquarters and regional staff as well as some Title IV recipients.

The Committee recommends an in-depth annual training workshop for Title IV staff and recipients. Such a workshop should be designed to be informative and sensitive to the nuances and subtleties of sex bias and the long range consequences of educational sex role stereotyping and sex discrimination. This training should be required of all sex discrimination prevention project directors as well as (where they are different individuals) the overall director of the Title IV project, such as the director of the General Assistance Center. The Committee urges that this training be required for all Equal Educational Opportunity Program staff at headquarters and the regional offices as well.

Policy and Guidelines for Title IV Sex Discrimination Programs

Objectives for sex discrimination prevention programs should be clearly delineated and grantees should specify how they would use funds in nonsexist ways. While recognizing that the Title IV recipients must be responsive to the perceived needs of the school systems with which they will work, they must also be prepared to take the lead and accept responsibility for the development of awareness within those school systems.

In 1973 the Commission on Civil Rights published a study of the Title IV program impact on recial desegregation. 31/ The Committee was struck with the similarity of findings and the similarity of implications for the success of a program whether in regard to race or sex discrimination-prevention.

In the 1973 study the Commission found that failure of the Office of Education to exercise control over the program had led to a "lack of overall focus...and resulted in inconsistence in approach, content, and objectives" 32/ of local programs. The Commission felt that the Title IV program failed to "enunciate goals and to delineate appropriate strategies for program emphasis," and that the failure was a serious one. 33/

The following recommendations were developed by the Commission in its 1973 report 34/ and have been "translated" in this report to indicate their potential impact on sex discrimination prevention programs.

The Committee recommends that the following recommendations be developed by the Department and articulated as criteria for funding in the next request for proposals.

Clear Guidelines	The Office of Education should establish clear guidelines governing the substantive operation of the Title IV program (in regard to elimination of sex discrimination) including specific conditions of eligibility for prospective recipients.
Projects Meet Goals	All Title IV recipients should be required to demonstrate that their projects will be useful in actual sex desegregation situations and in the elimination of sex discrimination.
Proportionate Representation of Women	All Title IV recipients should be required to assure proportionate representation, on an integrated basis of women of majority and minority groups in the formulation and administration of projects and as participants.

Prototype Projects

The Office of Education should develop criteria for evaluation of grant applications that give a priority to the funding of prototype projects--those that involve school systems in which the likelihood that Title IV assistance to make sex-discrimination-prevention work is strongest--and should assure that the size and duration of the grant will be sufficient to facilitate success.

Annual Training Institute

The Office of Education should conduct an annual training institute with representatives of current and potential Title IV recipients (State Departments of Education, Local Education Agencies and University Desegregation Centers) and invite both the director and the individual in charge of the Title IX component of the project where those are different persons to assure a common understanding of objectives, strategies and permissible activities.

Evaluation

Funds should be provided for systematic evaluation of the impact of all Title IV sex discrimination prevention projects, by a unit of the Office of Education independent of the Title IV office or by contract with private organizations. No application for refunding should be approved prior to the performance of such an evaluation.

Contractual Obligations

The Office of Education should firmly enforce contractual obligations of Title IV, or sex discrimination-prevention recipients, including withholding further payments under the contract and use of fund recovery mechanisms.

THE WOMEN'S EDUCATIONAL EQUITY ACT OF 1974

Increased funding should be sought by the Department to secure adequate resources for the Women's Educational Equity Act to fulfill its mandated legislative charge to "provide educationalequity for women in the United States." An assessment should be undertaken to determine the most effective level of placement, authority, staffing and funding necessary for an office to meet external and internal responsibilities with regard to coordination and training efforts to mainstream Title IX concerns into every program and activity for which the Department is responsible. Assessment of the administration of the Women's Educational Equity Act as it interrelates with the coordination and training responsibilities should be undertaken. Then, responsibilities of the Women's Program staff should be clearly delineated and established.

History

The Women's Educational Equity Act of 1974, Public Law 93-380, passed by Congress in August, 1974, was part of the Special Projects Act of the Education Amendments of 1974. Its preamble states:

> The Congress hereby finds and declares that educational programs in the United States (including its possessions), as presently conducted, are frequently inequitable as such programs relate to women and frequently limit the full participation of all individuals in American society.[35]

The Act's purpose is to "provide educational equity for women in the United States." To accomplish the task the Commissioner of Education is authorized to make grants and enter into contracts for the advancement of educational equity through research, development, training, activities and programs. This covers curricula, textbooks, guidance tests, pre-service and in-service training for all educational personnel and expansion of opportunities for girls and women at all levels and in all areas of education including continuing education, physical education, and programs for unemployed and underemployed women.

The Women's Educational Equity Act (WEEA) also required that the Commissioner of Education conduct a "national, comprehensive review of sex discrimination in education" [36] to provide a basis for recommendations for additional legislation if that seemed advisable.

Because of funding constraints, the national and comprehensive review was limited to three areas of exploration: Access to Post Secondary Education; Sex Discrimination in Guidance and Counseling; and A Study of Employment Practices Affecting Educational Personnel. The studies were performed through contracts authorized by the Commissioner of Education. [37] Recommendations stemming from the studies relate directly and indirectly to the enforcement and implementation of Title IX.

The Women's Educational Equity Act further established a National Advisory Council on Women's Education Programs. The Council advises the Commissioner of Education concerning the administration of the Women's Educational Equity Act, makes recommendations to the Commissioner with respect to allocation of funds under WEEA, develops criteria for the establishment of program priorities, and advises and makes recommendations to the Assistant Secretary concerning the improvement of educational equity for women.

Funding

Authorized at $30 million for fiscal years 1976, 1977, and 1978, the WEEA appropriation was $6.27 million for fiscal 1976 and $7.27 for the second year funding in FY 1977.

The first year's funding supported 46 general grants and 21 small grants totalling $4,652,422. Additionally, five contracts were awarded for: 1) coordination for WEEA projects; 2) process evaluation for WEEA projects; 3) WEEA communications network; 4) national and regional workshops and development of technical assistance materials for Title IX; 5) development of a national distribution system. The amount awarded for these five contracts was $1,573,788.*

Women's Program Staff (WPS)

The Women's Program Staff was established in early 1974 prior to the passage of WEEA in response to the recommendations of the Commissioner's Task Force on the Impact of Office of Education Programs on Women. The Task Force highlighted the need for a method to oversee efforts to secure opportunity for women within the agency and in education at large.[38/]

This heavy and broad responsibility was increased with the passage of the Women's Educational Equity Act in August of 1974 when the Women's Program Staff then was given the additional responsibility of administering WEEA by the Commissioner of Education.

---

*For an annotated listing of all grants and contracts awarded by the WEEA, see Women's Educational Equity Act: First Annual Report. September 30, 1976. Available from the Women's Program Staff, Office of Education, Washington, D.C. 20202.

WEEA Activities

Administration of WEEA required attention to all the responsibilities attendant upon developing priorities, publishing Requests for Proposals, establishing review procedures for the proposal offerors, coordinating the awarding of funds, monitoring the 67 grants and five contracts awarded under the first year's funding, and responding in-house and nationally to those seeking general information on sex equality in education and on the Women's Educational Equity Act in particular. Almost simultaneously, plans for the next round of funding must be moving forward.

Technical Assistance Products

Development. As part of its effort to implement Title IX directly, the Women's Program Staff contracted for a package of technical assistance materials entitled *Complying with Title IX: A Resource Kit*. The Kit contains components to enable individuals and educational entities to understand both the legal responsibilities and the need for Title IX and provides resources and guidelines for achieving compliance. A second group of products addresses individual subject areas such as athletics, grievance procedures, Title IX Workshop format, and student needs. 39/

Through project funds administered by the WPS prior to the Women's Educational Equity Act, other activities have been undertaken and other materials have been disseminated which also relate to Title IX. The Handbook for Workshops on Sex Equality in Education, the filmstrip, A Chance to Choose, and the booklet Resources for Counselors, Teachers and Administrators were produced and disseminated nationally by the Sex Equality in Guidance Opportunities Project which also held 320 workshops during 1975. The workshops were held in every state and addressed Title IX and sexism in education. 40/ Another project, Sexism in Education, took administrators for its major focus. The project held several regional workshops for elementary and secondary school administrators and developed a series of three booklets which, although they did not address Title IX directly, spoke to the issue of sex equality in education with the topics being: Sex Equality in School, Sex Equality in Educational Materials, and Sex Equality in Educational Administration. 41/

As part of the National and Regional Workshop contract in the most recent round of WEEA funding new training packets designed to be used at the local, state, regional, and national levels to help with Title IX compliance will be developed. It does not appear that any of the already developed materials will be incorporated in this new packet.

Dissemination. The Sex Equality in Guidance Opportunities (SEGO) Project built into its contract the production and free dissemination of 75,000 copies of its Handbook for Workshops on Sex Equality in Education to all School Superintendents, State Education Offices, Curriculum Directors, College and University Departments of Education and Counselor Training Programs, Federal Program Directors, and Main Libraries among others. 42/ With the exception of the SEGO Project the products developed by the WPS do not appear to have been reproduced in sufficient number to adequately serve those who need the information. This has resulted in delays in getting the technical assistance to those who need it in a timely fashion.

There is a growing desire for technical assistance on sex equality and Title IX. The network of those who recognized the need a few years ago has expanded mightily. The WPS notes in its First Annual Report, that it has a mailing list of 6,000. Even if it expanded that mailing list to contact more of those reached by the SEGO Project, which it funded, it would still probably be but the tip of the iceberg of need. An expanded concept of dissemination which recognizes the magnitude of the need, should be built into all future planning, funding requests, and awards to proposal offerors for the Women's Educational Equity Act.

81

Mainstreaming Activities

The Women's Program Staff provided a training workshop in 1975 for one or two individuals in every unit of the Washington office of the Office of Education and for one person from each of the ten regions who was designated for the training by each regional commissioner. It was hoped that these individuals would train others in their unit or region and be a resource person to the public on Title IX and sexism in education.

However, few if any of these individuals were allocated any funds to maximize what they had been trained to do either within their unit or region or by serving as a resource person for the public.

In November and December of 1976, the WPS held two workshops for the Office of Contracts and Grants to provide training on their responsibilities under all civil rights law, including Title IX. That was apparently, the first systematic training the contracts and grants personnel had had on the requirements of Title IX.

In February of 1977, the Women's Program Staff began an exploratory effort to establish a liaison with the Equal Educational Opportunity Program (the Title IV programs) in order to determine where and how EEOP was working with sex discrimination prevention and remediation.

Expectation and Reality

As the assessment of the implementation progressed the Women's Program Staff was often cited by HEW personnel in Washington and in the regions as the staff that is "taking care of" Title IX implementation in regard to training, mainstreaming, and even in regard to general liaison with the public in areas other than those directly covered by grant and contract funding.

Clearly the expectation that the Women's Program Staff will be the primary change agent and monitoring force for the Office of Education for the elimination of sex bias, sex role stereotyping and sex discrimination is unrealistic. The WPS has neither the staff*, the funding, or the authority to carry out such a charge.

For example lack of mandated support for release time to carry out Title IX activities has resulted, in many regions, in underutilization of trained personnel who could be an asset to the Department by providing resources to citizens and educational personnel interested in understanding and implementing Title IX. The WPS does not have the authority to mandate released time throughout the Office of Education for training or for the training of trainers.

---

*In the Spring of 1977, the Women's Program Staff consisted of 14 individuals: 9 professional and 5 support staff.

In another instance, there are several hundred program officers, perhaps as many as a thousand, in the Education Division. They have received no systematic training on Title IX requirements, sex role stereotyping and sex discrimination. These individuals together with the personnel of contracts and grants are the gatekeepers of sex-fair use of Federal education funds. There is no systematic monitoring by the WPS of Office of Education projects to determine whether the projects are either overtly or covertly perpetuating discriminatory and sex stereotypic practices. No monitoring exists for activities, the development of materials to support mainstreaming efforts, or to prevent unnecessary duplication. As was noted, it was February, 1977 before exploratory steps were undertaken to determine the possible relationships of Title IV projects to the Women's Educational Equity Act Projects.

The Committee recommends that steps be taken to determine if the Women's Program Staff should be designated as the change agent for equity for girls and women in education both external and internal to the Department. Then, if it is, at what level should the office be situated? What authority should it command? What level of funding and staffing should be sought to carry out its responsibilities and what exactly should those responsibilities be?

Presently the Director of the Women's Program Staff reports directly to the Executive Deputy Commissioner of Education. The WPS Director position, however, is at a grade level below that of Directors of National Programs such as the Office of Career Education, the Office of Bilingual Education, and the Teacher Corps as well as Associate Commissioners such as the Associate Commissioner in charge of Equal Educational Opportunity Programs. In regard to funding levels to achieve sex equity for half the school population, a comparison may be noted between WEEA and the Emergency School Aid Act (ESAA) which has as its purpose the alleviation of the effects of racial discrimination in education. The ESAA has a budget of $237 million for one year. The highest WEEA budget has been 7.27 million for one year.

The problem to be resolved is how to handle the management of the Women's Educational Equity Act for girls and women in education programs across the country while working with every program within the education division to ensure that educational equity for girls and women is being mainstreamed into every program and activity for which the Education Division is responsible. This includes the job of monitoring educational programs in the field (external) and those programs operated within the Federal government (internal).

As with all other decision concerning educational sex equity, the Committee recommends that this determination be made in open consultation with the representatives of organizations concerned with education equity for girls and women and, of course, with the National Advisory Council for Women's Educational Programs.

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION: VOCATIONAL EDUCATION

The office established in the national office of BOAE to attend to sex equity in vocational education should be modeled on the Title II mandate to the states requiring full time personnel funded for at least $50,000. Strengthening the coordination/faciliation capability of this office is one way to increase effective implementation in the states. Special emphasis should be given to the Title IX requirement for assurances of nondiscrimination on the basis of sex from any agency, organization or person with which the school works in employment or work/study programs for its students. This factor along with the further requirement to terminate services to any employer who refuses the assurance or who discriminates on the basis of sex should be emphasized by BOAE and incorporated in the Management Evaluation Review for Compliance with Title IX.

History

The Vocational Education Act of 1917 (Public Law 64-347) marked the beginning of the Federal involvement in vocational education. The early law concerned itself with promoting vocational education by paying salaries for teachers, supervisors, and administrators in the subject areas of agriculture, trade and industrial, and home economics. The Federal dollar also contributed to the preparation of teachers to teach the above subjects and to support studies, investigations and reports.

When the Vocational Education Act of 1963 (Public Law 90-576, Section 108) was passed, the legislation stated that vocational education meant:

> [V]ocational or technical training or retraining... given in schools or classes...under public supervision and control...designated to prepare individuals for gainful employment as semi-skilled or skilled workers, technicals,...subprofessionals in recognized...and in new and emerging occupations or...for enrollment in advanced technical education programs...excluding... professional or...a baccalaureate or higher degree.

The numbers of girls and women in vocational education programs increased over the years. In 1974, Women in Vocational Education, a study sponsored by the National Center for Education Statistics, reported that two-thirds of all vocational education students in secondary schools were female and that the female student was the majority, 55.5 percent, of all students in secondary, post secondary, and adult vocational education.[43/]

Title IX specifically named vocational education as an educational program to be covered by its requirements.

A series of reports, including the Vocational Preparation of Women, a report of the Secretary's Advisory Committee on the Rights and Responsibilities of Women, focused attention on sex discrimination and sex role stereotyping in Vocational Education.43/ The reports revealed that 49.2 percent of all young women enrolled in federally authorized vocational education were in home economics programs and that all but 2.4 percent were preparing for non-gainful home economics. Another 29 percent of vocational education's female students were enrolled in clerical fields. The statistics suggested that three quarters of vocational education's female enrollees were in two fields: the first did not prepare them for work outside the home and the second prepared them for work which seldom offered high pay or a career ladder beyond the entry-level job.

The United States Comptroller General in his report on vocational education in 1974 stated:

> HEW should: Implement applicable provisions of Title IX of the Education Amendments of 1972 to eliminate sex discrimination in vocational education.... 44/

Steps Toward Change

In 1976 in order to implement the requirements of Title IX, the Bureau of Occupational and Adult Education has prepared materials, undertaken training, and instituted a mini-compliance review for Title IX. The New Vocational Education

Act of 1976 to be implemented by the Bureau contains the potential for sweeping change in the elimination of sex-role stereotyping and sex discrimination in vocational education.

Management Evaluation Reviews for Compliance (MERC)

Pursuant to requirements in the Vocational Amendments of 1968, reviews of State Education Agencies for compliance with vocational education legislation are required. The MERC reviews are carried out by a team composed of central and regional BOAE staff. The reviews operate on a three-year cycle. All states and territories are reviewed during that period. Then the cycle begins again.

Title IX Component

Beginning in 1976, the MERC reviews were expanded to include a 17 question segment which sought to determine each state's compliance with Title IX. BOAE does not suggest that its review for compliance with Title IX is comprehensive. Rather, it is a systematic effort to indicate concern for Title IX compliance and to begin to learn where and how vocational education programs are in or out of compliance with their Title IX responsibilities.

Based on the MERC reviews, a report of findings is written and follow-up procedures are established. If the State agencies appear to be out of compliance with Title IX, the information is turned over to the regional Office for Civil Rights for action. Regional offices of BOAE check back with each State to offer technical assistance.

The monitoring efforts were reinforced at the annual national meeting of State Directors of Vocational Education. Directors were given five packets of Title IX information and offered further technical assistance from the central office in the form of workshops for each state. Thus far, 10 states from among the 56 states and trust territories which have state offices for vocational education have availed themselves of the technical assistance workshop.

Additions Suggested

Vocational education has a special responsibility to its students as it acts as an employment agency "broker" for students seeking further training, apprenticeships, or employment in the community. Title IX, in section 86.36 requires that: a recipient which assists any agency, organization or person in making employment available to any of its students shall:

- assure itself that such employment is made available without discrimination on the basis of sex and
- shall not render such services to any agency, organization or person which discriminates on the basis of sex in its employment practices,
- shall not treat its student employees in a manner which violates the employment requirements of Title IX.

This section means that assurances of non-discrimination must be obtained by vocational educators from potential employers. Further, employment requests must be refused from employers who have not furnished assurances or who specify only members of one sex will be given job consideration. The _Title IX Manual_ prepared by the Office for Civil Rights further suggests that:

> records [should be kept] by sex of referrals made and the outcome, including whether students were employed, the positions in which they were employed, and the salaries given. The recipient should periodically analyze such records to assure non-discrimination and where patterns of differential job assignments, salaries, acceptance or rejection appear, ask the employer to demonstrate that such patterns are not the result of discriminatory practices. If the employer fails to make such demonstration or if such demonstration does not provide sufficient assurance that employment is made available without discrimination, the _recipient is required to terminate its relationship with the employer_.[45/]
> [Emphasis added]

This is a potent requirement which could lead vocational personnel to actively seek those outside agencies and organizations which will offer non-discriminatory opportunities to all students. This effort, in turn, could demonstrate to girls and women, that the school is indeed affirmatively supporting their undertaking study in fields which have been heretofore "male-intensive."

The requirement to seek assurance of non-discrimination from potential employers of its students was not one of the 17 check questions on Title IX contained in the MERC compliance review. The Committee recommends that it be incorporated. This charge carries a potent capability for heightening daily awareness of the need to eliminate sex discrimination, providing affirmative support for female vocational students, and working toward increasing the likelihood of non-discriminatory employment opportunities after graduation from vocational education schools.

Title II of the Education Amendments of 1976

On October 1, 1976, the newest vocational education legislation, Title II of the Education Amendments of 1976 was passed. This legislation was strongly supported by organizations concerned with educational equity for girls and women. Recommendations made to the Secretary in SACRRW's report, the *Vocational Preparation of Women*[46/] are incorporated in its language.

In regard to eliminating sex discrimination and sex stereotyping in vocational education, the new legislation:

- Requires those states who wish to participate in programs authorized under the vocational education act to assign full-time personnel to carry out functions having to do with elimination of sex discrimination and sex-role stereotyping. These include oversight, corrective action, grant review, program review, information dissemination, monitoring and implementation of anti-sex discrimination laws with regard to employment and promotion procedures. Personnel must also be responsible for reviewing and making recommendations with respect to the annual program plan and report, providing technical assistance to local education agencies and others including liaison efforts with outside agencies and organizations.

- Requires all State Advisory Councils and the National Advisory Council to include as members women with backgrounds and experience in sex discrimination and sex stereotyping as it relates to training and employment.

- Requires the five year state plans to include a detailed description of the policies which will be established to overcome sexism, and incentives to be provided to local education agencies to develop model programs for reduction of sex stereotyping in occupations.

- Requires collection of data by sex/by race of students in vocational education.

- Requires the Commissioner of Education to carry out a study of the extent to which sex discrimination and sex stereotyping exist in all vocational education programs assisted under the Vocational Education Act of 1963 and of the progress that has been made to reduce or eliminate such discrimination and stereotyping in such programs and in the occupations for which such programs prepare students. The Commission shall report the results of the study, together with any recommendations, to the Congress by October, 1979.

- Requires every contract made by a state for the purpose of funding exemplary and innovative projects shall give priority to programs and projects designed to reduce sex stereotyping in vocational education.

- Requires that the Commissioner shall not approve a state plan or annual program until the plan or program has been reviewed by the full-time personnel assigned to achieve sex equity.

- Authorizes a variety of support services for women including counseling on non-traditional programs and employment, day care services for children of students in secondary and post secondary vocational education programs, special support efforts for displaced homemakers, single heads of households, and part-time workers who wish to secure full-time work.

- Authorizes funds for experimental, developmental, and pilot programs and projects to overcome problems of sex bias and sex stereotyping, the development of curriculum and guidance and testing materials designed to enable teachers to meet the needs of individuals enrolled in vocational education programs limited to members of the other sex, and provide in-service training for vocational education teachers and other staff members to overcome sex bias in vocational education.

- Authorizes grants to encourage participation of males and females to prepare for combining the roles of homemakers and wage earners, and to encourage the elimination of sex stereotyping in consumer and homemaking education by promoting the development of non-sex-biased curricular materials.

- Authorizes the development and dissemination of curricula designed to overcome sex bias in vocational education.

Beyond Title IX

In some ways, Title II of the Education Amendments of 1976 goes beyond Title IX. Title II speaks not only of sex discrimination but of the need to eliminate sex role stereotyping, thereby entering the crucial realm of attitudinal change. The vocational education law authorizes funds for the development and review of tests and curricular materials to eliminate sex bias. Currently the Bureau is developing guidelines for the production and evaluation of non-sex-biased materials. Unlike the Title IX Coordinator required by Title IX, the sex-equity coordinator under Title II is required to be full-time and is authorized a funding level of $50,000 per year to carry out the mandated duties.

The sex-equity office may provide a key to the depth of change toward sexual equality in vocational education that may be expected. The level of authority at which this office is installed, the support staff provided to carry out the work effectively, and whether or not the efforts of the office are isolated or mainstreamed will illuminate the extent of the commitment for change. In much the same way, the funds authorized to carry out exemplary projects and activities will either be isolated "add on" efforts or the information, ideas, and materials generated by these efforts will be mainstreamed and utilized across a given state and nationally across all regions.

Coordination/Facilitation

Here again, the question of national coordination and distribution arises. Clearly, it would be in the best interests of everyone, if project activities and materials could be shared and disseminated through the vocational-education network across all states. The Committee recommends that the office already established at the national level to advise on women's concerns in vocational education, be staffed and funded to take on an overall coordination/facilitation effort commensurate with the magnitude of the responsibility mandated in the new legislation. An office with at least the funding level mandated to the states would be an appropriate beginning step.

The new vocational education legislation carries the potential for the most sweeping sex discrimination reform since the passage of Title IX in 1972. As with Title IX, much depends on the commitment to implement, to enforce and to monitor. The Committee commends the Bureau of Occupational and Adult Education for the steps it has taken and urges that these initial efforts be continued and strengthened.

Office of Career Education

Elementary and Secondary Career Education Act of 1977 (HR 7) should be amended to include requirements for elimination of sex discrimination and sex stereotyping parallel to those requirements already passed by Congress in similar legislation relating to Vocational Education: Title II of the Education Amendments of 1976.

History

The Office of Career Education was established in the

Office of Education as a component of the Special Projects Act of the Education Amendments of 1974, Public Law 93-380. Career Education was described as an educational process designed to:

- increase the relationship between schools and society as a whole
- provide opportunities for counseling, guidance, and career development for all children
- relate the subject matter of the curricula of schools to the needs of a person to function in society
- extend the concept of the education process beyond the school into the area of employment and the community
- foster flexibility in attitudes, skills, and knowledge in order to enable persons to cope with accelerating change and obsolescence
- make education more relevant to employment and functioning in society
- eliminate the distinction between education for vocational purposes and general or academic education.

A major stated purpose of the law is for each state and local education agency to carry out a program of career education which provides each child with the widest variety of career education options and which prepares each child according to her or his ability for maximum employment and participation in our society.

Funding

Career Education was appropriated $10 million for FY 1975, $10 million for FY 1976 and another $10 million for FY 1977. The first year's funding was for exemplary demonstration projects in career education primarily at the elementary and secondary level. The second year's funding continued the exemplary demonstration projects and added a second category to enable State Education Agencies to implement a State Plan for Career Education.

During FY 1975, 80 projects were funded. Out of these, three with a total budget of $161,000 were concerned with reduction of sex stereotyping in career choices. In FY 1976, three projects totaling $282,365 were funded in the same area of reducing sex stereotyping in career choices. This represents a total of $443,965 or .02 percent of a $20 million dollar expenditure for career education. The Office of Career Education notes that other projects had components on this topic even though the entire project did not have this focus.

Training on Sex Stereotyping

In order to make its project directors more aware of Title IX and of the implications of sex bias and sex role stereotyping, the Office of Career Education provided several hours of training for its project directors in August of 1976. Subsequently, each project director was sent three packets of material on the elimination of sex bias and on the implications of Title IX.

Mini Conferences

During 1976, the Office of Career Education held 27 mini-conferences on career education with three clusters of populations.[47] Phase I, with 11 mini-conferences, combined a variety of populations including classroom teachers, evaluation specialists, counselors, business/labor/industry personnel, parents and representatives of "special populations" defined as the handicapped, the gifted and talented, minorities, and female students. Phase II, with four mini-conferences, involved the State Coordinators of Career Education. Phase III, with 11 mini-conferences, brought together a group of "conceptualizers" and executive officers of major organizations and associations both within and outside of education. Two of these 27 mini-conferences addressed the needs of female students in career education: one in Phase I and one in Phase III.

The purpose of the mini-conferences was to facilitate communication between and among people interested in career education; to identify problems and concerns; to discuss issues; to make recommendations; to provide a better understanding of and determine future directions for career education.

In this regard, the summary of the Phase I mini-conference on the Career Education of Female Students states:

> Creative and serious efforts need to be directed toward raising career aspirations of female students, exposing them to the total world of occupations, educating others to the [illegible] problems caused by sex role stereotyping, and designing educational environments that prepare female students to participate in and to receive benefits from experiences that are equal to those of their male counterparts.[48]

Commissioners Conference on Career Education

As a wrap up to the mini-conferences, the Commissioner's Conference on Career Education was held in November 1976. The conference was attended by approximately 8000 persons. Of the 416 topical sessions held at the Conference, eight, or .02 percent, focused on reduction of sex stereotyping.

Elementary and Secondary Career Education Act of 1977

A new bill on Career Education (HR 7) was introduced in January 1977. Entitled "Elementary and Secondary Career Education Act of 1977", it would authorize $274 million to be spent over the next five years to assist states and local education agencies to implement career education nationwide as part of the curriculum of every grade, K through 12, in public and private elementary and secondary schools. The original career education legislation will then move the use of its funds from demonstration projects for elementary and secondary schools to demonstration projects for post-secondary institutions.

Impact on Females

The burgeoning of career education can only result in a powerful impact on the career aspirations of girls and women as discussions and explorations of careers begins at the earliest educational levels and continues through every grade. As research on socialization has shown, children are especially vulnerable and impressionable in these early years. While career education provides the opportunity for female students to widen horizons in career awareness, exploration and decision-making, the danger is very great that female students may find themselves engulfed in traditional, sex-stereotypic expectations all the more discriminatory and debilitating because they may be officially compounded year after year in career education undertakings institutionalized in the nation's schools.

Legislative Recommendations

For these reasons, the Committee recommends that now, as the Office for Career Education is developing its state structure, requirements and procedures to establish and implement career education in all grades and in all schools, it is the ideal time to build into its implementing legislation the requirement for sex equity in policy and practice. Such requirements should be, at least, on a par with those in the Vocational Education Legislation of 1976.

The Committee recommends that the Elementary and Secondary Career Education Act of 1977, or any other legislation regarding career education, be amended to model itself in regard to sex equity, on the Vocational Education Legislation: Title II of the Education Amendments of 1976.

The Committee recommends that the vocational education legislation be translated, where applicable, to HR 7 and that where necessary, new language be devised to assure the elimination of sex discrimination and sex stereotyping in career education as well as in vocational education. For example:

- Require those states who wish to participate in programs authorized under the career education act to assign full-time personnel to carry out functions having to do with elimination of sex discrimination and sex-role stereotyping. These include oversight, corrective action, grant review, program review, information dissemination, monitoring and implementation of anti-sex discrimination laws with regard to employment and procedures. Personnel must also be responsible for reviewing and making recommendations with respect to annual program plans and reports, providing technical assistance to local education agencies and others including liaison efforts with outside agencies and organizations.
- Require any Advisory Councils to include as members women with backgrounds and experience in sex discrimination and stereotyping as it relates to career training and employment.
- Require state plans to include a detailed description of the policies which will be established to overcome sexism and incentives to be provided to local education agencies to develop model programs for reduction of sex stereotyping in career education.

- Require collection of data by sex/by race of students in career education programs.

- Require the Commissioner of Education to carry out a study of the extent to which sex discrimination and sex stereotyping exist in all career education programs assisted under the Career Education Act and of the progress that has been made to reduce or eliminate such discrimination and stereotyping in such programs and for the careers for which such programs prepare students. The Commissioner shall report the results of the study, together with any recommendations to the Congress two years from the date of passage of the law.

- Require every contract made by a state for the purpose funding exemplary and innovative projects shall give priority to programs and projects designed to reduce sex stereotyping in career education.

- Require that the Commissioner shall not approve a state plan or annual program until the plan or program has been reviewed by the full time personnel assigned to facilitate sex equity in Career Education.

- Authorize a variety of support services for girls and women including counselling on non-traditional careers, and day care services for children of students in secondary career education programs. (As Career Education extends into higher education additional amendments would be appropriate).

- Authorize funds for experimental, developmental, and pilot programs and projects to overcome problems of sex bias and sex stereotyping; the development of curriculum and guidance and testing materials designed to enable teachers to meet the needs of those seeking non-traditional careers and provide in-service training for career education teachers and other staff members to overcome sex bias in career education.

- Authorize grants to encourage males and females to prepare to combine the roles of homemakers and wage earners and to encourage the elimination of sex stereotyping in the concept of homemaking by promoting the development of non-sex biased curricular materials.
- Authorize the development and dissemination of curricular materials designed to overcome sex bias in career education.

The new career education legislation provides an unusual opportunity to establish sex fairness at the beginning of a program, rather than as a remediation effort after the damage has been done. The Committee recommends that this step be taken not only to strengthen the career education legislation but to maximize the impact of Title II of the Vocational Education Amendments of 1976 and Title IX itself.

DIVISION OF EDUCATION: NATIONAL INSTITUTE OF EDUCATION

Steps should be taken to mainstream the concerns of girls and women in education into all NIE programs. These efforts should be monitored and evaluated. Specific research on effective implementation of Title IX should be undertaken. This should include cost-effective and successful methodology, and implications of Title IX for school and community. The funding level of Title IX research, and research for the effective educational development of girls and women sought by the Department should be commensurate with the magnitude of the Title IX enforcement and implementation responsibility.

History

The National Institute of Education (NIE) was created by Congress in 1972 to help solve problems in American education. Its Congressional mandate was to "take the leading Federal responsibility for studying critical problems in education and helping teachers, school administrators, and education policy-makers determine the most promising solutions and apply them to the schools". To accomplish this task NIE has established six conceptual areas for its work: 1) dissemination of research results and innovative practices, 2) educational equity, 3) education and work, 4) schools' capacity for problem solving, 5) basic skills, and 6) school finance and productivity.

The history of NIE reveals that the need for solutions to the problem of sex discrimination or sex stereotyping in education has been addressed almost exclusively in two of the six areas: Education and Work, and by the Women's Research Staff in the Educational Equity group.

Six Conceptual Areas and Sex Equity

In these six conceptual areas NIE has established for its research and programmatic efforts, much opportunity exists to bring NIE expertise to educational problems related to implementation of Title IX and to the overall educational needs of girls and women in education. Among the areas of exploration that might be pursued are the following:

Schools Capacity for Problem Solving.

This area of concern established by NIE is not meant to address itself to the solution of specific problems. However, NIE might wish to determine whether its efforts in capacity-building are addressing themselves to the substantive needs many schools face in shifting away from what has been essentially a sex-stereotypic environment both physically and attitudinally to one which is sex fair. One of the most severe problems to be solved in regard to educational sex equity is that it may not even be perceived as a problem that needs solving.

Basic Skills

The special needs of girls or women may be ignored in the consideration of the needs of the generic "student". However, the special needs often affect the ability of girls or women to learn. Girls apparent disinterest in certain subject areas may be reinforced not only by parents and society but by school personnel. School personnel should be encouraging girls to explore and do well in all areas of education. The National Assessment of Educational Progress reports that between ages 9 and 13, girls begin to fall behind their male peers in math, science, and social studies.—/ This fact is worthy of important research efforts and remediation.

All research on basic skills should address and delineate the impact of sex-stereotypic, sex-biased, and sex-discriminatory policies, practices, attitudes, and environments on the acquisition and development of basic skills.

Finance and Productivity

Educators across the country whether in elementary and secondary or post-secondary institutions often report that one of the main problems they perceive with implementing Title IX is the financial burden compliance puts on their school.
A component of NIE research on finance and productivity should address this problem directly, determine the extent to which it exists and develop creative solutions which could be implemented by local educators.

Educational Equity

The Women's Research Program within this conceptual area should be funded at a level to effectively carry out its responsibilities. The Committee commends the efforts this program has made with relatively limited funds and personnel. Alongside the special charge of the Women's Research program, all aspects of the Educational Equity Group should examine their projects to ensure that the special needs of girls and women within the parameters of all projects are being met. Evaluation of this effort should be undertaken.

Education and Work.

A survey of research projects already completed or projected by NIE appears to leave the educational concerns of girls and women almost ghettoized in the Education and Work group and in the Women's Research Program. The Committee commends the Education and Work Group for what it has been doing. As it becomes increasingly clear that work outside the home will be undertaken by American women during most of their adult life, the relationship between their education and their career plans becomes increasingly a matter of concern to society. Increased funding to enable the Education and Work group to address this critical area should be a priority in order to more clearly delineate the relationship between educational stereotypes and the long range work plans of half the American work force.

Recommendations

Program plans for NIE for FY 1978 do not reveal any plans to deal directly with research on the implementation of Title IX. The implementation of Title IX in the nation's schools is surely a "critical problem in education" to which NIE might address itself as one of its congressionally mandated areas of research.

The Committee recommends that specific research on effective implementation of Title IX be undertaken.

The Committee recommends that NIE take active steps to mainstream research on girls and women in education into all of its programs and that such efforts be monitored and evaluated for effectiveness.

The Committee recommends that the funding level of Title IX research, and research for the effective educational development of girls and women be commensurate with the magnitude of the problem.

RELATED LEGISLATION WHICH COULD IMPLEMENT TITLE IX

Overall, it should always be kept in mind that receipt of any Federal education funds appropriated under any education legislation depends on recipient compliance with Title IX requirements.

Alongside the enforcement requirements, many existing programs for which the Department is responsible have a powerful potential to implement Title IX by infusing sex-fair concepts and practices into the education process--as was done in the vocational education legislation of 1976.

This can be accomplished through taking particular, on-going care to broaden criteria and guidelines of all programs to include both recognition and evaluation of those programs' impact on girls and women. This can be accomplished through amendment, where necessary, of existing legislation to authorize the use of funds to alleviate the effects of past discrimination on the basis of sex, and to prevent discrimination on the basis of sex in the future.

Sex-fair concepts should be written into both the authorization and the appropriation legislation. Regulations implementing any legislation should specifically mention sex-fair concepts.

Advisory Committees or Councils

Modeled on the vocational education legislation, Title II of the Education Amendments of 1976 Section 105 (a) (17) and Section 162 (a) (6), every advisory committee or council should be required to have as members women who are knowledgeable about sex discrimination and sex role stereotyping as it affects girls and women. It should be the responsibility of the total committee or council to help evaluate programs, research, and written and audio visual materials to ensure that they are free of sex bias. Such advisory groups could also be responsible for dissemination of exemplary programs that provide educational encouragement to women, especially in non-traditional areas or areas that help eliminate sex bias.

The Education Amendments of 1974 (PL 93-380)

This legislation is up for renewal in 1978. Work will begin in the spring or summer of 1977 on another omnibus bill for education. Title IX emphasis should be in all programs and in the preface to this act.

Elementary and Secondary Education Act.

This Act provides opportunities for innovative programs and also for educational research. Generally, the language does not specify programs and research to promote equal educational opportunity for girls and women. Some state agencies have used these funds to work toward the elimination of sex bias, sex-role stereotyping and sex discrimination. However, the inclusion of specific language in all ESEA titles add weight to the concept and provide impetus and support for mainstreaming sex-fair programs. The following are suggestions of areas in the law where language in regard to sex equality might be included.

Title I. Financial Assistance to Local Educational Agencies for Education of Children from Low-Income Families.

Title I programs should be amended to require that all programs have a priority of elimination of sex bias and sex discrimination. As in the vocational education legislation of 1976, the National Advisory Council on the Education of Disadvantaged Children should require the inclusion of women knowledgeable of the problems of sex discrimination as related to disadvantaged children. The long range need is delineated in SACRRW's report: Job Training for Low-Income Women: The Need for Change. [50/] The Council should be encouraged to take steps to provide for training to create awareness of the special needs of disadvantaged girls. Because the National Council's tasks include making recommendations for changes in the provisions of Title I, their awareness of the problems of sex role stereotyping and sex discrimination is extremely important. The program evaluation that is to be carried out by the Commissioner should include guidelines that will help to evaluate the programs for sex equality.

Because the majority of Title I funds are spent on remedial reading and language arts [51/] it is important to ensure that all reading materials are sex-fair and, hopefully, portray women and girls in non-traditional roles.

ESEA Consolidated Programs.

PL 93-380 consolidates several programs into two major titles. The first Libraries and Learning Resources combines several categorical programs: School Library Resources, Textbooks and Other Instructional Materials; Guidance, Counseling and Testing; and Financial Assistance for Strengthening Instruction in Science, Mathematics, Modern Foreign Languages, and Other Critical Subjects. In this consolidated title, 95% of funds flow to local education agencies. They may expend the funds as they see fit within these categories.

The second category, Educational Innovation and Support Programs combines several other categorical programs: Supplementary Education Centers and Services; Strengthening State and Local Education Agencies; Dropout Prevention; and School Nutrition and Health. In this consolidated title, the state may receive up to 15% of the funds while at least 15% must be expended on the handicapped.

When applying for funds, each state must file a program plan. With this plan is a "boilerplate" assurance that the expenditure of funds will be for programs that meet civil rights laws, including Title IX. Such an assurance does not have to be filed for each category. This "boilerplate" assurance is generally filled out by administrative personnel distant from program implementers who may be unaware of the commitment to Title IX. In revision of the law, consideration should be given to this issue.

Bilingual Education Programs.

Much of the emphasis of this section is on development of reading skills and reading materials. There is a need for instructional materials to be non-sex-biased. Such language could be added to this bill. The National Council on Bilingual Education should also require as members, women who are knowledgeable on the special problems of sex discrimination and sex-role stereotyping of girls and women in bilingual minority groups.

Miscellaneous Provisions.

The President is authorized to call and conduct a White House Conference on Education in 1977. There are 10 areas listed for special consideration. The role of sex bias in education is not mentioned. At least one of the items on a White House Conference on Education should be the strengthening of Title IX and the dissemination of information on sex role stereotyping.

Ethnic Heritage Studies.

Emphasis should be placed on the contribution of minority women to their heritage. Special money should be set aside for programs which have this emphasis.

Emergency School Aid Act

Title IX implementation should be strengthened in ESAA and an increased awareness of the special problems of minority women should be articulated. Since the problem of isolation of minority groups is stressed, the sex discrimination and sex role stereotyping against girls in school can be viewed as an effective isolation of half of the students from the opportunities that should be afforded to every student.

Under ESAA no educational agency is eligible to receive a grant if they have "...in effect any policy or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from minority groups... or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion or assignment of employees of the agency." (Sec. 706) "Sex" should be added to this section.

The section on educational television (711) should include development of programs to remediate and to prevent sex discrimination.

At least one-half of the members of the National Advisory Council on Equality of Educational Opportunity are to be minority group members. Along with these members being aware of and experienced in dealing with the effects of discrimination against ethnic minorities, women who can increase the understanding of the role sex discrimination and sex stereotyping plays in the lives of disadvantaged students should be required.

The Education Amendments of 1976 (PL 94-482)

This law extends the Higher Education Act of 1965 and extends and revises the Vocational Education Act of 1963 as well as extends and revises other legislation.

Higher Education Act of 1965 as amended.

Community Services and Continuing Education. These programs could make special reference to the relationship of the re-entry of women to these programs. There should be strong commitment by the state to Title IX in all areas of education before funding is given. The National Advisory Council on Extension and Continuing Education should include as members women knowledgeable about the role of sex bias in education.

The Commissioner of Education has a 10 percent set-aside to use in technical assistance and administration. Some of this money could be expended to disseminate exemplary career and educational material that is free of sex bias. The money may also be used to help states and post-secondary institutions plan and evaluate sex-fair procedures. Or the Commissioner could use some of the funds to accommodate women's needs in such programs. Such suggestions could be specifically incorporated in the statute and in the regulations for it.

Lifelong Learning Act - Under part B of this Act the "Lifelong Learning" section sets as its goal "the availability of appropriate opportunities for lifelong learning for all its citizens without regard to restrictions of previous education, sex, age, handicapping conditions, social or ethnic background, or economic condition." Along with this provision there needs to be a consideration of older women who may not have had opportunities for education or training in areas now opening to women.

The Assistant Secretary will operate a clearinghouse on exemplary programs. It is important that exemplary sex-fair programs be part of this clearinghouse.

The Assistant Secretary has funds available for research and development. Language could be added to this act to specify that all research comply with Title IX or, more strongly that the research focus on the needs of women.

Student Assistance and Graduate Programs

Instances of sex discrimination or sexist practices are rampant. Part of the money that goes to colleges and universities for administration of their financial aid programs should mandate training for financial aid officers in sex-fair practices... i.e. a financial aid officer should not make assumptions about women that provide them different financial aid packages than men.

Special Programs for Students from Disadvantaged Backgrounds

The Student Assistance Act states that one of its goals is to identify youth from low income areas who have the potential for higher education, to provide remedial and other services for students. Women in higher education may have special needs (i.e. if they are supporting a family, day care services, etc.) which could be aided under this act, as they are under the Vocational Education Act of 1976. Also, the way in which the "potential of youth for higher education" are "identified" needs to be articulated for sex fairness.

The Educational Information Centers have a great potential for serving women's needs. Services provided by the Centers "shall include information and talent search services designed to seek out and encourage participation in full-time and part-time post secondary education or training of persons who could benefit from such education or training if it were not for cultural or financial barriers..." Other mandated services include guidance and counseling. It is essential that counselors and job placement experts receive training in Title IX concerning their responsibility under Title IX to use non biased ways to eliminate sex stereotyping in opening up non traditional careers to women, and the legal requirement to use non-sex-biased evaluative materials. It is essential that these individuals receive training on their legal responsibilities under Title IX concerning the requirement for assurances of non discrimination in their employment, work-study and cooperative education programs.

A similar set of cautions should be exercised in the Professional and Graduate Education Opportunities Program, Teacher Corps and Teacher Training Programs. The purpose of this act is to "improve the quality of teaching and to help meet the critical shortages of adequately trained personnel." While the second goal may be in question as to the surplus of teachers reported, there is no question that an understanding of the effect of sex discrimination in education contributes greatly to the quality of teaching personnel. The National Advisory Council on Education Professions Development Act should articulate strong support for Title IX.

Teacher Centers. The Directors of these Centers should be recipients of Title IX training so that they train the teachers in their centers. These Centers should also be used for the early dissemination of research and products on sex equality in education.

Community Colleges and State Post-secondary Planning. Extension and Revision of Title X now called Establishment and Expansion of Community Colleges.

This title should include a broad commitment to Title IX. Community colleges are often the most accessible to women who have family responsibilities, or who can only go to school on a part-time basis. This should be considered in the planning of community college programs.

Other Programs

In the revised FY 78 budget submitted by President Carter, he suggests funding for several programs, not previously mentioned that have potential implications for sex-fair infusion language.

Alcohol and Drug Abuse Education Act (PL 91-527 as amended)

This OE program to train teams of parents, teachers, and students through grants should be cognizant of growing alcohol and drug use among girls and women. Language should be added to insure that grants are made for non-stereotyped programs to help girls and women.

Education Broadcasting Facilities. An Amendment to the Communications Act of 1934.

Money should only be awarded contractors when contractor can verify nonsexist hiring and promotion practices.

Project Head Start

Part of the funds for programs could be used to train Head Start teachers and parent groups in non-sexist practices. Sexism starts early and if parents understood sex-role stereotyping, they could help their daughters and sons develop more fully.

The Public Libraries

This program has the potential for helping combat sex discrimination. Part of the money expended in this program will be for job information centers for the unemployed.

Language in this act should add that the materials disseminated be non-sexist under Title IX guidelines. Appropriate cognizance of women's changing roles should be taken in information disseminated and in any counseling offered.

Institute of Museum Services

This program would assist the development of education projects, construction of displays and the training of staff should have Title IX language safeguards inserted. Money received by the university or museums should be contingent upon a finding that hiring and promotion practices are non-sexist. Staff training also has the potential for infusing concepts of Title IX.

White House Conference on Families

Part of the budget for this conference ought to be spent to train trainers in sex-free roles that they can then disseminate to their larger group. This conference offers the potential to explore the problems of women in changing roles, to help parents understand the importance of Title IX in their daughters schooling and to help all attending the conference take positive steps when they return to their home base.

Handicapped Education

Several laws and parts of laws deal with education of handicapped students. Provisions could be inserted in these laws to provide for non-stereotuped educational programs for handicapped girls and women.

Because of sex stereotyping accruing to traditional expectations concerning the way girls and women should look and behave, discrimination against handicapped girls and women may be more intense than many people are aware.

Counselors of the handicapped should receive training in Title IX. Such a provision could be written into specific handicapped education legislation or be part of the Social Rehabilitation Service or Labor Legislation.

Non-Office of Education Programs

Programs not under the Education umbrella of HEW but which are nonetheless education programs also should fall under the sanctions and strictures of Title IX.

The Comprehensive Health Assessments and Primary Care for Children program provides for a health assessment that includes mental health and learning disabilities. People responsible for this facet of the program should receive Title IX training to ensure that the expectations they have for young girls are not different from those for young boys.

Proposed HEW Reorganization and Title IX

In the recently proposed HEW reorganization, there would be a separate Department of Student Financial Aid. It is essential that the highest level staff in this department understand the implications and nuances of Title IX. The Committee suggests that all staffers be specifically trained in Title IX responsibilities. New employees should also receive this training when they are hired. Another newly proposed area is the Department of Human Resources. A similar training program should be instituted for this department, as well.

Interagency Liaison

Within the government are many agencies that have educational components. Many representatives from these groups meet to discuss mutual concerns and work out more harmonious relationships. It is essential that the HEW Education division liaison be well versed in Title IX and be prepared to help other agencies and their top staffers understand what Title IX is and how it operates.

FEDERAL POLICY: CONCLUSION

Currently and for the foreseeable future a powerful influence to end sex discrimination in education could come from the open and clear coordination of efforts originating in the highest Departmental levels to mainstream Title IX concerns into every educational project and program for which the Department is responsible both within and outside HEW.

Support for HEW staff seeking to enforce and implement Title IX both in headquarters and in the regions should be clearly and repeatedly articulated. People at the highest levels should be aware of legislative needs which support and strengthen Title IX and oppose any weakening amendments. All Departmental materials should be reviewed at high level for overt and covert sex bias and sex discrimination.

Title IX impacts on every educational program from early childhood through adult. It includes elementary, secondary, post-secondary, vocational, career, remedial, enriching, compensatory and continuing education programs. Title IX should be of conscious concern in each and every one of these areas. It should be considered in every request for proposal written by the Department, in the evaluation of every proposal offered, and in the evaluation of every on-going or completed educational project.

What is needed is high level support for creative methods of developing interlocking structures that would facilitate and maximize sex equity without being restrictive.

The Committee's most basic recommendation is that unequivocal leadership be forthcoming to articulate a Federal Policy supporting Title IX as an important Civil Rights law that will be enforced and implemented to the maximum by the Department.

RECOMMENDATIONS

I. Federal Policy

A. Planning

All policy, funding and staffing of Departmental programs should be assessed for recognition of the fact that under Title IX of the Education Amendments of 1972, 60,000,000 individuals were added to those whose civil rights are to be protected and implemented by the Department.

B. Coordination/Facilitation.

Overall coordination and facilitation of Departmental Title IX responsibilities are needed at a policy-making level to openly and effectively promote and carry out the mainstreaming of Title IX concerns. These efforts should be directed to every education program for which the Department is responsible either directly or through funding.

C. Support for Title IX

Amendments which weaken Title IX or retract its scope of coverage should not be instituted or supported by the Department until sufficient time has passed to assess the real impact of Title IX. Clear policy-statements on Title IX issues should be developed to support the integrity of Title IX coverage.

D. Research

Research on the impact of Federal policy on girls and women should be undertaken. Among topics which might be included in a series of studies are:

1. How Federal policy decisions are made on issues affecting girls and women.
2. What is the Federal role in meeting the educational needs of girls, especially at the elementary and junior high-school levels?
3. What is the Federal role in communicating to parents and the community the short-and long-term effects of educational sex discrimination on their daughters and sons. How can HEW highlight ways to educate

minority group parents to the impact of sex discrimination (as differentiated from other negative discriminations) on their daughters and sons. What is the Federal role in communicating to parents and the community the importance of compliance with Title IX?

II. Office for Civil Rights

A. Policy Development and Dissemination

1. Task forces should be assigned immediately to develop preliminary policy statements on all issues relating to Title IX. The work should be done in appropriate, open consultation with representatives of organizations concerned with educational equity for girls and women. Timelines should be established for the deliberations, conclusions, and dissemination.

2. A loose leaf reporting service should be developed to provide in-depth background on new policy statements, dates, and sites of forthcoming compliance reviews. This service should be free to a self-selected mailing list.

3. The Big City Reviews should be assessed for
    (a) the impact on girls and women of several years delay in presentation of findings and remediation and
    (b) impact on OCR response capability in a given region to complaints and development of other compliance reviews.

B. Management

1. New management plans are needed to
    (a) eliminate all backlogged and projected complaints.
    (b) ensure commitment of OCR to extend the *Adams v. Mathews* court order to the western and northern regions.
    (c) mount district- and institution-wide comprehensive compliance reviews for Title IX and other civil rights laws.

2. Desk reviews of targeted segments of discrimination should be carried out region-wide and coordinated nationally.

b. Sex discrimination prevention and remediation programs should be awarded, monitored, and evaluated separately whether they are in Sex Discrimination Institutes or part of a composite program such as a General Assistance Center.

c. Funds should be provided for systematic evaluation of the impact of all Title IV sex discrimination remediation programs by a unit of the Office of Education independent of the Title IV office or by contract with private organizations.

3. Training

An annual training institute should be held for Title IV recipients focused specifically on sex discrimination.

4. Coordination/Facilitation

Coordination/facilitation of sex discrimination prevention and remediation programs funded by the Equal Educational Opportunity Programs should be strengthened by the development of a coordination mechanism at EEOP national office in Washington, D.C.

5. Legislation

Title IV should be amended to allow General Assistance Centers to work specifically with students in departments of education and counselor preparation programs, as a part of their pre-service training in institutions of higher education.

B. Office of Education: Women's Educational Equity Act and Women's Program Staff.

1. Funding

Funding should be sought by the Department to secure adequate resources for the Women's Educational Equity Act to fulfill its legislative charge to "provide educational equity for women in the United States."

2. Assessment and Determination

a. An assessment should be undertaken to determine

F. Affirmative Action Analysis

Analysis of the Office for Civil Rights own Affirmative Action Plan should be instituted. A review should be undertaken of the OCR selection process for staff training, hiring and promotion. Active steps should be undertaken to ensure that women are given fair treatment. These findings should be published.

III. Education Division

A. Office of Education: Equal Educational Opportunity Programs: Title IV of the Civil Rights Act of 1964: Sex Discrimination Prevention and Remediation

1. Policy Development

   a. Objectives for sex discrimination remediation and prevention programs should be clearly delineated for possible recipients. Grantees should specify how they would use funds to implement these objectives.

   b. Bilingual and desegregation components of Title IV should be required to delineate their goals on how they expect to impact on the needs of girls and women of minority groups. Evaluation of how well the needs were met should be carried out.

   c. All Title IV recipients should be required to assure fair representation on an integrated basis of women of majority and minority groups in the formulation and administration of projects and as participants.

2. Funding

   a. Funding should be actively sought by the Department for Title IV sex discrimination prevention programs to adequately impact nationally on the school population in 96,000 schools in 16,000 school districts while maintaining necessary impact on all other civil rights implementation responsibilities.

3. Model reviews should be developed and carried out using the same criteria and tools across all regions.

4. A nationwide review of all areas of physical education and athletics at all levels of education should be planned and carried out.

C. Data Collection

1. HEW should assure itself that all recipients of Federal education funds have received and returned a completed Title IX Assurance Form.

2. Data collected from the Assurance Forms should be analyzed and acted on promptly.

3. A special survey should be undertaken to collect baseline data by sex in all educational areas pertinent to Title IX. The survey should cover all local education agencies, state education agencies, and post-secondary institutions.

4. Data from the survey should be made available to the public as a special research publication.

D. Funding

Funding should be sought by the Department to secure adequate resources for the Office for Civil Rights to fulfill its responsibilities to the 60,000,000 individuals whose civil rights are specifically covered by Title IX, while maintaining its responsibilities to all other civil rights enactments.

E. Training

1. Comprehensive, uniform training on Title IX should be instituted for all Office for Civil Rights personnel.

2. Methods should be developed to provide equally comprehensive training to new OCR staffers as they assume Title IX responsibilities.

3. A Title IX Manual for Higher Education (including student requirements) should be completed.

the most effective level of placement, authority, and funding necessary for an office to meet external and internal responsibilities for coordination and training efforts to mainstream Title IX concerns into every program and activity for which the Department is responsible.

b. Assessment should be undertaken of the administration of the Women's Educational Equity Act as it interrelates with the coordination and training responsibilities.

c. Then, responsibilities should be clearly delineated and established for the Women's Program Staff.

C. Office of Education: Bureau of Occupational and Adult Education: Vocational Education.

1. The office established in the national office of BOAE to attend to sex equity in vocational education could be modeled on the Title II mandate to the states which require full-time personnel funded for at least $50,000. Strenthening the coordination/facilitation capability of this office is one way to monitor effective implementation in the states.

2. Special emphasis should be given to the Title IX requirement for assurance of non-discrimination on the basis of sex required from any agency, organization or person with which the school works in employment, cooperative education or work/study programs for its students. This factor, along with the further requirement to terminate services to any employer who refuses the assurance or who discriminates on the basis of sex should be emphasized by BOAE and incorporated in the Management Evaluation Review for Compliance with Title IX.

D. Office of Education: Office of Career Education

Legislation

The Elementary and Secondary Career Education Act of 1977 (HR 7) should be amended to include language requiring the elimination of sex discrimination and sex stereotyping parallel to the requirements already passed by Congress in similar legislation relating to vocational education in Title II of the Education Amendments of 1976.

E. National Institute of Education

1. Mainstreaming

Steps should be taken to mainstream the needs of girls and women in education into all NIE programs of research and development. These efforts should be monitored and evaluated.

2. Title IX Research

Specific research should be undertaken on effective implementation of Title IX including cost effective and successful methodology and the implications of Title IX for school and community.

3. Funding

Funding is needed for research on effective educational development of girls and women, as well as research on management of implementation of Title IX. The Department should seek funds at a level commensurate with the magnitude of the Title IX enforcement and implementation responsibility.

IV. Related Legislation Which Could Implement Title IX

Steps should be taken to mainstream Title IX concerns into existing and future legislation as was done with the Vocational Education Legislation of 1976. Legislation and implementing regulations which could be amended in this regard include authorization and appropriation bills.

For more detailed discussion on the following legislation as it relates to mainstreaming Title IX concerns see page 107 of this report.

A. Advisory Committees or Councils

B. The Education Amendments of 1974 (PL 93-380)

   1. Elementary and Secondary Education Act

- a. Title I. Financial Assistance to Local Education Agencies for education of Children from Low-Income Families.
- b. ESEA Consolidated Programs
  - 1) Libraries and Learning Resources
  - 2) Educational Innovation and Support Programs
- c. Bilingual Education Programs
- d. Miscellaneous Provisions
- e. Ethnic Heritage Studies

C. Emergency School Aid Act

D. Education Amendments of 1975 (PL 94-482)

- 1. Higher Education Act of 1965 as amended
  - a. Community Services and Continuing Education Life Long Learning Act
  - b. Student Assistance
  - c. Graduate Programs
  - d. Special Programs for Students from Disadvantaged Backgrounds. The Educational Information Centers
  - e. Teacher Corps, Teacher Training Programs, Teacher Centers
  - f. Establishment and Expansion of Community Colleges

E. Other Programs

- 1. Alcohol and Drug Abuse
- 2. Education Broadcasting Facilities
- 3. Project Head Start
- 4. Public Libraries

    5. Institute of Museum Services
    6. White House Conference on Families
F. Handicapped Education
G. Education Programs not under the Office of Education

Appendix A

In conjunction with this report, the Committee wishes to highlight and indicate support for the following recommendations from the Report of the National Commission on the Observance of International Women's Year.* These selected recommendations have particular relevance to the SACRR report on implementing and enforcing Title IX.

The IWY Commission recommends:

The President and the executive branch oppose any amendments which would weaken the protections against sex discrimination in education guaranteed by Title IX. (p. 165)

...to the President of the United States that OMB require all the departments and agencies of the Federal Government to continue to consider the impact of their programs on women in the United States, and that these impact assessments be made a part of the regular budget preparation and review processes of the government. (p. 92)

The Secretary of the Department of Health, Education and Welfare, (HEW) direct the Director of the Office for Civil Rights to effectively enforce Title IX, including the withholding or terminating of Federal funds. (p. 165)

Department of Health, Education and Welfare, Office for Civil Rights should conduct model contract compliance reviews of various types of educational institutions: school districts on both the elementary and secondary level, doctoral granting institutions, comprehensive colleges and universities, 2 year colleges and university professional schools and other specialized institutions, and liberal arts colleges. Any deficiences uncovered during the review should receive appropriate enforcement and the results should be widely publicized. (p. 169)

---

*The IWY Recommendations are published in "...To Form A More Perfect Union..." Justice for American Women, Report of the National Commission on the Observance of International Women's Year, Washington, D.C.: U.S. Government Printing Office, 1976. The page numbers indicated above refer to that document.

The Secretary of HEW instruct HEW's Office for Civil Rights to establish immediately a full compilation of all Title IX rulings to date and to continue to maintain this compilation in the future, indicating that this compilation will be available to both HEW staff and the interested public. (p. 165)

The Office for Civil Rights, Department of Health, Education, and Welfare (HEW) immediately formally withdraw the "Consolidated Procedural Rules for Administration and Enforcement of Certain Civil Rights Laws and Authorities." (p. 166)

The Office of Management and Budget (OMB) immediately review the enforcement resources and priorities of the HEW Office of Civil Rights, and support increased appropriations if necessary to establish and maintain an effective enforcement effort under Title IX of the Higher Education Amendments of 1972. (p. 166)

The Office for Civil Rights, HEW, develop and implement a complaint processing system that would include action on current complaints at the same time the backlogged complaints are processed, in order to handle effectively all matters of discrimination without pitting one group against another. (p. 166)

The Department of Health, Education and Welfare (HEW) continue its Elementary and Secondary School Civil Rights Survey to be completed annually by all schools. (p. 170)

The (above) survey form be revised to contain additional questions concerning sex discrimination, in order to determine institutional compliance with Title IX (Education Amendments of 1972), and to collect all data by both sex and race or ethnicity in order to determine patterns of discrimination against minority females. (p. 171)

The HEW Office for Civil Rights collect all survey forms for analysis and make this information available to interested parties...(p. 171)

State and local school boards comply with Title IX (Education Amendments Act of 1972) to eliminate policies which discriminate against pregnant girls or teenage parents. Continuance in basic educational programs should be encouraged while parent educational services are provided. (p. 151)

The U.S. Commission on Civil Rights conduct its planned study of "Sex Discrimination in Physical Education and Athletics" without delay, using this study to evaluate the effectiveness of Title IX (Education Amendments of 1972) in eliminating sex discrimination in physical education and athletics generally in educational institutions. (p. 162)

...that the President:

1. Direct all Federal grant making agencies:
    a. To require that all their award making boards, and advisory panels be more equitably proportioned as to men and women members;
    b. To seek actively more women applicants for grants, especially minority women;
    c. To review all grants and awards to assure that women are not given smaller stipends than men because of discriminatory patterns of pay in academic and other institutions; and
    d. To publish annually names of persons on award panels.
2. Direct the Office of Management and Budget (OMB) to use fully its authority to require that all government supported, award making agencies actively seek out, if necessary, qualified women to achieve an equitable balance between men and women on review panels.

Secretary of Department of Health, Education and Welfare instruct the Commissioner of Education to use funds available under Title IV of the 1964 Civil Rights Act to end sex segregation by:

1. Revising the point system for awarding funds under this act, so that projects or training aimed at eliminating sex segregation are not at a disadvantage;
2. Seeking adequate appropriations so that projects aimed at eliminating sex segregation can be funded at an appropriate level without reducing the funds available to end segregation based on the other grounds covered by the law; and
3. Establishing a Title IX information center to provide information, materials and technical assistance to the General Assistance Centers, training institutes, and State agency training programs funded through Title IV. (p. 171)

...the Department of Labor and all other Federal agencies monitoring the employment practices of Federal contractors be required to set up enforcement procedures, with appropriate sanctions, and to use them without delay against contractors who exclude or discriminate against qualified people because of their sex. (p. 161)

...that the Secretary of HEW take immediate steps to publicize widely the provision of the Public Health Service Act prohibiting sex discrimination in admissions to Federally funded health training programs and to develop an effective enforcement program, including prompt handling of complaints and compliance reviews. (p. 169)

...the President consider the following recommendations for changes in the regulations to implement Title IX of the Education Amendments of 1972:...Establishing a uniform pension policy under the existing Federal legislation now covering employment. The Equal Employment Opportunity Commission (EEOC) guidelines. (p. 168)

...the Secretary of Labor be required to revise the system of job analysis and classification as used in compiling the Dictionary of Occupational Titles (DOT) as recommended by a federally funded study. (p. 178

NOTES

1. Discrimination Against Women. Hearings before the Special Subcommittee on Education of the Committee on Education and Labor, House of Representatives, Ninety First Congress. Part I. Hearings Held in Washington, D.C. June 17, 19, 26, 29, 30, 1970; Part II. Hearings Held in Washington, D.C. July 1, and 31, 1970.

2. Mathews, Martha and McCune, Shirley. Why Title IX? U.S. Department of Health, Education, and Welfare, Office of Education, 1976.

3. Title IX: Prohibition of Sex Discrimination, Public Law 92-318. Ninety Second Congress, June 23, 1972.

4. Male-Female Achievement in Eight Learning Areas: A Compilation of Selected Assessment Results. Compiled by Magdalen Herman, Denver: National Assessment of Educational Progress, 1975.

5. Sells, Lucy. "High school mathamatics as the Critical Filter in the Job Market," in Developing Opportunities for Minorities in Graduate Education; Proceedings of the Conference on Minority Graduate Education at the University of California, Berkely. May, 1973.

6. Verheyden-Hilliard, Mary Ellen. "Cinderella and Science: Career Counseling for Girls." Symposium on Bicentennial Retrospectives and Prospectives: Science Education for Women. American Association for the Advancement of Science. Annual Convention. Boston. February, 1976.

7. U.S. Department of Labor, Employment Standards Administration, Women's Bureau. Women in the Labor Force. August 1974-75, Washington, D.C.

8. U.S. Department of Labor, Employment Standards Administration, Women's Bureau. The Myth and the Reality. May 1974 (revised), Washington, D.C.

9. A Statistical Portrait of Women in the U.S. Current population reports. Special Studies Series p-23, No. 58. U.S. Department of Commerce, Bureau of the Census. Washington, D.C. April, 1976.

10. National Center for Education Statistics, Digest of Educational Statistics of 1974 based on 1972-73 figures. Table 12, p. 12; 26 Biennial Salary and Staff Survey of Public School Professional Personnel, 1972-73. Research Report 1973-R5. Washington, D.C. National Education Association. Page 9, Table 2.

11. HEW News. Washington, D.C. Office of the Assistant Secretary for Education, HEW-H2, September 15, 1976.

12. National Center for Education Statistics, Digest of Educational Statistics of 1974 based on 1972-73 figures.

13. Office of Women in Higher Education, American Council on Education, Washington, D.C. 1977.

14. Title VI of the Civil Rights Act of 1964--Ten Years Later, An Anniversary Progress Report, July, 1974. U.S. Department of Health, Education, and Welfare, Office of the Secretary, Office for Civil Rights.

15. Proposed Annual Operating Plan for FY 1977, Office for Civil Rights, Nondiscrimination in Federally Assisted Programs. Federal Register, September 23, 1976.

16. HEW News, Washington, D.C. Office of the Assistant Secretary for Education. HEW-H4, September 22, 1976.

18. Title VI of the Civil Rights Act of 1964--Ten Years Later. op. cit.

19. *HEW News*. Washington, D.C. Office of Education, HEW F32. March 19, 1976.

20. *Ibid*.

21. *Project Advance*. San Francisco: University of San Francisco. Title IV Training Institute for Desegregation on the Basis of Sex. Page 19.

22. *Atlanta Constitution*, Atlanta, Georgia. August 26, 1976.

23. *Title IX Manual*. Elementary and Secondary Education Division, Office for Civil Right, Department of Health, Education, and Welfare. September, 1975. p. 59.

24. Assurance of Compliance with Title IX of the Education Amendments of 1972 and the Regulation Issued by the Department of Health, Education and Welfare in Implementation Thereof. July 1976.

25. School System Summary Report: Form OS/CR 101 U.S. Department of Health, Education and Welfare, Office for Civil Rights, Washington, D.C.

26. Individual School Campus Report: Form OS/CR 102 U.S. Department of Health, Education and Welfare, Office for Civil Rights, Washington, D.C.

27. Higher Education General Information Survey; Office of Education Form 2300-2.3. Fall Enrollment and Compliance Report of Institution of Higher Education 1976. Washington, D.C. Department of Health, Education and Welfare, National Center for Education Statistics.

28. HEW FACT SHEET. Washington, D.C. Office of the Secretary, Office for Civil Rights. May, 1976.

29. Title IX Manual. op. cit.

30. Title IV and School Desegregation: A Report of the United States Commission on Civil Rights. Washington, D.C. January, 1973. p. 41.

31. Ibid.

32. Ibid, p. 31.

33. Ibid. p. 31.

34. Ibid. p. 45-46.

35. Women's Educational Equity Act of 1974. Public Law 93-380. Ninety Third Congress, August 21, 1974. Section 408 (b) (1).

36. Ibid. Section 408 (f) (4).

37. Astin, Helen S., Harway, Michele, McNamara, Patricia. Sex Discrimination in Education: Access to Postsecondary Education. Los Angeles, California: Higher Education Research Institute. February, 1976. Harway, Michele, Astin, Helen S., Suhr, Jeanne M., Whiteley, John M. Sex-Discrimination in Guidance and Counseling. Los Angeles, California: Higher Education Research Institute. February, 1976. Kane, Roslyn D., Sex Discrimination in Education: A Study of Employment Practices Affecting Professional Personnel. April, 1976. These reports were prepared for the National Center for Education Statistics, Education Division, U.S. Department of Health, Education and Welfare as part of the requirements of the Women's Educational Equity Act of 1974.

38. A Look at Women in Education: Issues and Answers for HEW. A Report of the Commissioner's Task Force on the Impact of Office of Education Programs on Women, Washington, D.C.: Department of Health, Education, and Welfare, Office of Education. November 1972.

39. Complying with Title IX: A Resource Kit consists of the following components: Equal Opportunity-A-Fundamental American Rights; Why Title IX?; Title IX of the Education Amendments of 1972; A Summary of the Implementing Regulations; Identifying Discrimination: A Review of Federal Antidiscrimination Laws and Selected Case Examples; Complying with Title IX: The First Twelve Months; Complying with Title IX: Implementing Institutional Self-Evaluation; Title IX: Selected Resources; Equal Educational Opportunity; and Equal Employment Opportunity. A second group of products address the following topics individually: Competitive Athletics: In Search of Equal Opportunity; Selecting Professionals in Higher Education: A Title IX Perspective; A Student Guide to Title IX; Implementing Title IX: A Sample Workshop; Title IX and Physical Education: A Compliance Overview; and Title IX Grievance Procedures: An Introductory Manual.

40. The Sex Equality in Guidance Opportunities Project was funded under contract to the American Personnel and Guidance Association, by the U.S. Office of Education. Its technical assistance products included: Resources for Counselors, Teachers and Administrators; the film strip, A Chance to Choose and Verheyden-Hilliard, Mary Ellen, Handbook for Workshops on Sex Equality in Education: Information Activities Resources for Educators, Students, The Community. Washington, D.C. U.S. Government Printing Office. 1975.

41. The Sex Equality in Education Project was funded under contract to the American Association of School Administrators by the U.S. Office of Education. Its technical assistance products included three executive handbooks: Sex Equality in Educational Materials, Sex Equality in School and Sex Equality in Educational Administration. Washington, D.C.: American Association of School Administrators. 1975. No authors are identified.

42. Final Report of the Sex Equality in Guidance Opportunities Project, Washington, D.C.: American Personnel and Guidance Association 1976.

43. Steele, Marilyn. "Women in Vocational Education" *Project Baseline Supplemental Report*, Northern Arizona University, Flagstaff, Arizona, 1974. Prepared for the National Center for Education Statistics.

43a See for example: Steiger, JoAnn and Sara Cooper. *Vocational Preparation of Women: Report and Recommendations of the Secretary Advisory Committee on the Rights and Responsibilities of Women*. U.S. Department of Health, Education, and Welfare, 1975; Steele, Marilyn. "Women in Vocational Education" *Project Baseline Supplemental Report*, Northern Arizona University, Flagstaff, Arizona, 1974. Prepared for the National Center for Education Statistics; Roby, Pamela Ann. *Vocational Education and Women* Santa Cruz, California: University of California-Santa Cruz: 1975; Verheyden-Hilliard, Mary Ellen. "Cinderella Doesn't Live Here Anymore". *Manpower Magazine* (Renamed *Womanpower* for this issue.) Washington, D.C.: U.S. Department of Labor, Manpower Administration. November, 1975. Comptroller General of the United States. *What is the Role of Federal Assistance for Vocational Education: Report to the Congress*. Washington, D.C.
General Accounting Office. 1974. Hearings of the House Committee on Education and Labor, Subcommittee on Elementary, Secondary, and Vocational Education. April, 1975.

44. Comptroller General of the United States. op. cit.

45. *Title IX Manual*. *op. cit*.

46. Steiger, JoAnn. *The Vocational Preparation of Women* *op*. *cit*. p. 5.

47. Miguel, Richard J. *Career Education Mini-Conferences: Final Report*. Columbus, Ohio: The Center for Vocational Education Ohio State University. July, 1976.

48. *Ibid*.

49. National Center for Education Statistics, National Assessment of Education Progress, Education Commission of the States, 1975.

50. Steiger, JoAnn, Szanton, Eleanor S. Job Training for Low Income Women: The Need for Change. Secretary's Advisory Committee on the Rights and Responsibilities of Women, Department of Health, Education, and Welfare. 1976.

51. National Institute of Education. First Report on Compensatory Education: Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study. Washington, D.C.: National Institute of Education. December, 1976.